



Mott - Fy1
- CCN

EDUCATIONAL TELEVISION STATIONS

a division of NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

1346 Connecticut Avenue, Washington D. C. 20036 • phone: (202) 667-6000

MEMORANDUM

September 23, 1969

To: Chalmers H. Marquis
From: H. Holt Riddleberger
Subject: ETS-NAEB/FCC Activities

This is a brief accounting of some of the ETS-NAEB/FCC activities which we have conducted over the past six to eight weeks:

1. We filed an objection to carriage by a CATV system in the town of Holly Hill, Florida of ETV signals of stations WEDU in Tampa, WUFT in Gainesville, and WJCT in Jacksonville, in addition to WMFE in Orlando. When it was apparent that technically Holly Hill was not within the coverage area of WMFE, and that WFME was not going to do anything further about objecting to the carriage of the other three stations, we withdrew our objection. On the same basis, we are not filing in the matter of Halifax Cable Co. in Daytona Beach which is proposing the same pattern of carriage. However, we are filing in support of WMHT, Albany-Schenectady, which is objecting to carriage of WNBT in that area by Mohican Cable Co. WNBT has indicated its desire not to be carried, and we expect that we will be able to make some points about the unfairness of the FCC interim rules with respect to educational broadcast stations.
2. Jim Fellows and Bob Woods are continuing to develop our filing on the subject of the racial bias rulemaking which is due October 3. We do not expect that the survey being conducted by Mr. Fellows will be completed by that time, but sufficient information can be drawn from it to make our filing effective.
3. We will shortly be distributing to our members copies of the original Justice Department letter, and a reply by FCC Counsel Henry Geller on the subject of the use by broadcast stations of taped program material provided by foreign principals. The exchange of correspondence was directed primarily at radio programming, but it is equally applicable to the use of television programming from foreign sources as well. The question revolves around whether a station which accepts an offer by a foreign country of a selection of taped material, and thereafter broadcasts some of the taped material, would be constituted an agent of a foreign principal within the meaning of the Foreign Agents Registration Act and would thus be required to so register. The whole matter is apparently a tempest in a teapot, but it has taken time and attention.

4. We have been discussing at staff level the position which the NAEB had taken in the matter of Subscription Television. We will be discussing this in the Board meeting with respect to the pending hearings in the House but, as you know, interim rules are being adopted by the FCC and our approach to the Congress will determine our involvement in any FCC rulemaking.
5. We have explored with Henry Cauthen in South Carolina his problems with respect to an attempt to join with three commercial television operators in sharing a transmitter tower which action is being challenged by another commercial operation. The matter is presently up before the FCC and I will be talking with Counsel later this week to discover whether we should at least keep an eye on this proceeding.
6. We will be talking with Oscar Reed later this week to discover what further should be done in reply to the FCC's request for comments in the matter of the forthcoming World Administrative Radio Conference. Our concerns here as always will be that the interests of education in the reservation of both FM and television channels will be kept in mind in any negotiations with respect to international satellites.
7. We are beginning now to review the comments filed in Docket 18397 having to do with the Commission's proposed interim rules with respect to CATV and will on the basis of that survey decide whether and on what comments we will need to file in reply, Reply Comments being due on November 3. As you know, we recently filed extensive comments in Part V of that Docket with respect to the future relationship of CATV and communications generally.

We also filed recently in support of an FCC proposed rulemaking to permit ITFS response channels to be used for data signaling as well as for voice response. We do not expect any difficulty with this one.

We were pleased to hear recently of the positive action taken by FCC with respect to the Microwave Communications Corporation's request for permission to construct a microwave line between Chicago and St. Louis, a case which has been pending before the FCC for the last six years which was being fought bitterly by AT&T, Western Union and others. We believe that, as the technology develops, this may well have some significance for educational broadcast interests. The Company has now filed for a line from Chicago to New York, and I will be meeting this week with a principal from the Company, with whom we have had close contact in the past, to explore next steps by which we can benefit from this important breakthrough.

We have been under considerable pressure primarily from AMST to file additional comments on the subject of land mobile radio proceedings. AMST in the person of Les Lindow feels very strongly that the FCC is likely to come out with a ruling in the near future which would in effect permit at least experimentally some sharing of Channels 14-20. We have sent marked copies of our original filing in this matter to a number of the Commissioners, but we have on advice of Counsel made no direct contact with the Commissioners. Although this is not an adjudicatory proceeding, there is some concern about ex-parte pleadings in so controversial rulemaking as this one. It seems we will therefore have to sit and wait along with the rest of the industry for an FCC determination.



A division of

EDUCATIONAL TELEVISION STATIONS

NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

PHONE: 667-6000 • 1346 CONNECTICUT AVENUE • WASHINGTON, D. C. 20036

July 28, 1969

MEMORANDUM

TO: Messrs. Harley, Hough, Marquis, Mauli, Mott ✓
cc: Messrs. Fellows and Riddleberger; Mrs. Barber, and Miss Zwerin
FROM: Mr. Hobbs *meh*
RE: Distribution of Copies of NAEB Filings in FCC Proceedings

In the absence of pained cries of confusion, I assume the "system" we worked out in February is serving our needs.

If they are not already getting copies of NAEB filings regularly, Scott Fletcher and Richard Hull should be added to the standard distribution list. All of us whose names appear at the top of this page are already getting copies of all filings, presumably.

MEH/mah



NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

1346 CONNECTICUT AVENUE · WASHINGTON, D. C. 20036

July 7, 1969

TO: Executive Staff
FROM: Carol Whitcomb

Attached for your review is the FCC Report and Order concerning proposed rule making to require broadcast licensees to show nondiscrimination in their employment practices. (Commissioner Robert E. Lee's statement dissenting, in part, also attached.)

We have asked the Ad Hoc Committee on Employment Practices to review this material, submitting any comments to committee chairman, George Bair, by July 18. Dr. Bair, in turn, will pass these comments along to Mr. Fellows.

Comments are to be filed prior to August 4 with the FCC.

Item (4) of the attached memo to the committee concerns NAEB staff suggestions for the committee's consideration of this matter.



NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

1346 CONNECTICUT AVENUE • WASHINGTON, D. C. 20036

July 2, 1969

TO: The Ad Hoc Committee on Employment Practices of Educational Stations
FROM: George Bair, Committee Chairman

I wish to bring you up to date on matters of interest and concern to our Committee.

(1) In the July issue of the NAEB Newsletter, the enclosed article by the noted Washington Post columnist William an insert. I think you will share the opinion that the article advances both a valid and timely argument.

(2) As a followup to the publication of the "Student Summer Workshop Plan" on May 10, the ETS and NER Divisions distributed to their member stations the brochure announcing the American University 1969 Urban Broadcasting Workshop. As you know, it was Roger Penn, designer of the AU workshop, who contributed his materials for NAEB publication as a model plan. The NAEB was among Washington supporters of the 1969 AU session. (A copy of the brochure is attached.)

(3) On a recent visit to New York, Miss Whitcomb of the NAEB staff met with George Norford, Westinghouse Broadcasting executive and National Coordinator of the Broadcast Skills Bank to discuss his possible participation in the 1969 NAEB National Convention. Mr. Norford has agreed tentatively to join a special interest session panel.

(4) The NAEB plans to file comments with the Federal Communications Commission concerning proposed rule making to require broadcast licensees to show nondiscrimination in their employment practice.

Prior to preparation of comments by the NAEB staff and attorneys, they would like our comments on the attached FCC Report and Order. Note that Commissioner Robert E. Lee's statement dissenting, in part, is also attached for your review.

Briefly, two points for your consideration in reviewing this material:

- (a) the staff suggests that certain items in the Notice framed as suggestions (pages 3,4, and 5 numbered items 1-4) might be forwarded to the stations at this time as pertinent procedural recommendations that are helpful with or without any further Commission action.
- (b) it is likely that the NAEB form will yield more meaningful information for non-commercial broadcasters than the Commission's.
(A copy of the NAEB form for distribution to station managers on July 11 is enclosed for your comparison.)

I would appreciate your comments on the FCC matter prior to July 18, as comments are to be filed prior to August 4. Please address them to my new office as follows:

Dr. George E. Bair, Director
North Carolina ETV Commission
University of North Carolina
Chapel Hill,

My office telephone for your records: (919) 933-1026.

Enclosures:

NAEB Employment Practices Form
FCC Report and Order (containing proposed form)
Commissioner Lee Statement
Washington Post Column
Broadcasting Workshop Brochure

July 2, 1969

FCC AUTHORIZES MICROWAVE
RELAY OF AUDIO SIGNALS

Operators of microwave companies should take note of an FCC action last week which authorized Upper Peninsula Microwave, Inc. to relay network and educational radio signals to Michigan radio stations over existing microwave facilities licensed only for transmission of video (and associated audio) signals.

Michigan-Bell and AT&T jointly opposed UPM's application charging duplication of facilities, but the Commission said: "We are not being asked to authorize the construction of new facilities but to authorize a fuller and more complete use of existing UPM facilities."

The telcos charged that UPM's provision of the low cost, long haul service would be "cream skimming", leaving the telcos only the high cost, local portion of the transmission. But the FCC declared this charge was unsupported by facts.

The telcos also argued that UPM rates appeared to be noncompensatory. The Commission agreed that the microwave companies' rates were "quite low" in comparison with telco rates for the same service, but Commission calculations indicated "there...is no substantial question as to whether the rates are compensatory."

The Commission said the deciding factor in the case was the public interest. It noted that while the telephone company might suffer "some rather minor loss of revenue or potential revenue," parties desiring the microwave service might not be able to afford the higher telco rates (which the Commission calculated to be nearly four times as high as UPM's monthly charges).

NEWS

Federal Communications Commission
1919 M Street, NW.
Washington, D.C. 20554
Public Notice



27109

Report No. 3311 NONBROADCAST AND GENERAL ACTION January 30, 1969 - C

UPPER PENINSULA MICROWAVE AUTHORIZED TO RELAY AUDIO SIGNALS TO BROADCASTERS

Applications by Upper Peninsula Microwave Inc. (4094-C1-ML-67 and 4096-4103-C1-ML-67) to relay network and educational radio signals to Michigan radio stations on existing common carrier TV facilities have been granted by the Commission over objections by telephone companies. At the same time UPM was warned that the Commission will deal severely with any repetition of earlier unauthorized service.

UPM applied to carry NBC and ABC radio network audio signals and an educational audio signal over existing microwave facilities that are licensed only for transmission of video (and associated audio) signals. NBC and ABC are received off the air at Harmony, Wis., with the NBC signal delivered to Michigan stations WIKB, Iron River; WJPD, Ishpeming, and WHDF, Hancock, and ABC to WDJL, Marquette; WMIQ, Iron Mountain, and WLST Escanaba. The educational signal is to be obtained by direct interconnection with Northern Michigan University near Marquette and relayed to the communities of Ishpeming, Noughton, Hancock, Ironwood, Iron River, Iron Mountain, Escanaba, Manistique, Sault Ste. Marie, Newberry and Munising.

Michigan Bell Telephone Co. and American Telephone and Telegraph Co. jointly petitioned to deny the applications.

In connection with a charge they made of unauthorized service the Commission cited correspondence with UPM counsel and James A. Klungness, the company president. Although UPM said in 1967 it was unaware of any language in its authorizations that would rule out audio service, earlier correspondence showed that in 1965 the Commission had told UPM to terminate any such service. In a letter January 15, 1968, Klungness said that failure to recall this was an inadvertence, but there was no intent to violate the Rules or mislead the Commission.

The Commission said it was inclined to believe this even though it could not find UPM's misunderstanding of the video limitation on its licenses excusable. "Nevertheless, we do not consider a single incident such as this sufficient, in itself, to call into serious question the qualification of UPM to be a radio licensee. However, further license or rule violations by UPM will be considered in connection with this matter and may well lead to another conclusion."

(over)

The Commission rejected the telephone companies' charge of duplication of facilities, saying, "...We are not being asked to authorize the construction of new facilities but to authorize a fuller and more complete use of existing UPM facilities...."

The service would be provided the subscriber at the UPM receiving facility in each community, and the subscriber would have to arrange for the final step in transmission. The telephone companies argued that this would be "cream skimming," with UPM providing the low cost, long haul service, leaving the telephone companies to provide the high cost, local portion. The Commission said that since this allegation is unsupported by facts, it could not consider its merits. In a footnote it said there is doubt that Michigan Bell is willing to provide "local loop" service. It cited a pending proceeding, Docket 17484, on lawfulness of Michigan Bell tariffs prohibiting interconnection with a microwave carrier for audio transmission. The case was initiated by a complaint of Northland Advertising Inc. and WJPD Inc. against Michigan Bell. That company had discontinued service but reinstated it temporarily, and the proceeding was continued until the Commission acted on the UPM applications.

Answering a telephone argument that UPM rates appeared to be noncompensatory, the Commission acknowledged that UPM rates in comparison are "quite low." For instance, the broadcast subscriber in Ishpeming would pay UPM about \$121 a month (on a sharing basis, or \$200 alone) for network relay while the comparable AT&T rate would be about \$403. "However," it said, "substantial divergency in charges is not, in itself, indicative of an unreasonable or noncompensatory rate structure." It cited its own calculation of \$13,860 in UPM equipment costs and \$340 a month in overhead, with projected gross revenue of \$1,200 a month. "...There appears to us no substantial question as to whether the rates are compensatory," it said.

The Commission concluded, "There is no dispute as to the fact that petitioners have existing facilities capable of rendering the proposed services. However, applicant also has existing facilities which, with relatively modest expenditure, could be utilized more efficiently by providing additional service. Of course, the decisive factor...must be the public interest. On one side, if the applications are granted, there may be some rather minor loss of revenue or potential revenue to petitioners and, however small, a theoretical adverse impact on petitioner's rate base. On the other hand, if the applications are denied, those parties desiring an audio service will be forced to pay rates much higher than those offered by UPM. Moreover, it may well be that some potential customers could not afford to pay the higher rates. Therefore, we conclude on balance that the public interest favors grant. However, grant of these applications should in no manner be construed as condoning or acquiescing in the earlier unauthorized operation. UPM is hereby put on notice that the Commission will deal severely with any future violations of substance, whether willful or not."

Action by the Commission January 29, 1969, by Memorandum Opinion and Order. Commissioners Hyde (Chairman), Bartley, Robert E. Lee, Cox, Wadsworth, Johnson and H. Rex Lee.



EDUCATIONAL TELEVISION STATIONS

A division of

NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

PHONE: 667-6000 • 1346 CONNECTICUT AVENUE • WASHINGTON, D. C. 20036

Office of the Executive Director

February 6, 1969

MEMORANDUM

To: Norman Jorgensen and Robert Woods

From: H. H. Riddleberger

This summarizes some of our recent conversations concerning NAEB - FCC matters, both in the recent past and the near future:

1. Mr. Jorgensen made an oral presentation before the full FCC on February 3rd on behalf of NAEB, on the subject of certain aspects of the proposed rulemaking governing CATV operation and regulation. Extended written comments on these and additional points are due on March 3rd and Reply Comments on April 3rd. The FCC has indicated that additional oral arguments may be scheduled on parts III and IV (on which the oral presentations and the two file dates above are focused). Comments on part V, which deals with the future technology on the long-term basis involving CATV and broadcast communications, are due June 16th with Reply Comments on the same portion before August 15th. Conversations with outside pertinent parties and within NAEB staff are continuing and a draft of the March 3rd Comments should be available by February 20th for Staff review.

2. Written comments were filed on February 3rd in FCC dockets 18261 and 18262 covering reallocation of the lower and upper UHF television bands to Land-Mobile on a sharing and/or outright allocation basis. Reply Comments are due March 31st. We will need to search the docket to discover whether it is in the NAEB interest to file Reply Comments in this matter.

3. Comments are due in the FCC's Third Further Notice of Proposed Rulemaking (docket 11279) for the carriage of subscription television signals by CATV systems. March 3rd with Reply Comments due on April 3rd. The proposed rules are written as the FCC says from the point of view of commercial television since the proceedings on which they are based were directed almost entirely to the relationship between STV and commercial television. In spite of this fact the FCC noted that if parties having STV authorizations (which had to be either operators of, or holders or applicants for, construction permits for, a commercial television broadcast station) wish as part of their programming to broadcast educational or cultural programs in conjunction with non-profit educational organizations, "such proposals will be given consideration in

connection with their other proposed programming". The FCC went on to point out that non-commercial educational television stations on an experimental basis have been on a number of occasions permitted to transmit "scrambled" signals which could be viewed "unscrambled" on specially adapted equipment. The FCC went on to point out that KCET in Los Angeles has filed with the Commission a petition for rulemaking to permit the encoded transmission of medical and police instructional programming by non-commercial educational television broadcast stations on a regular rather than on an application by application basis. The Commission pointed out that the petition for rulemaking is presently pending and could lead to the building of a record on which to base decisions concerning STV over education stations. I concur in your advice therefore, that there is little need for NAEB to comment in docket 11279 for the carriage of subscription television signals by CATV systems, unless we were simply to file comments referring to the KCET petition for rulemaking and to our intention to file extensive comments in that proceeding if it is made the subject of rulemaking, and to request therefore that the petition be granted. It seems clear that the latter matter is the appropriate platform for ETV comments. I will seek staff concurrence or disagreement with this proposal and will report to you within the next week.

4. Docket No. 18433 is a Notice of Proposed Rulemaking to require comparable ease of tuning for UHF and VHF stations on TV receivers. Although the points on which comments are specifically requested are generally technical in nature, it seems logical that NAEB should file a simple statement concurring in the importance of requiring sets at the earliest practicable date to be equipped with tuning devices which will insure equality in the ease of tuning VHF and UHF television channels and will insure parity in the quality of such tuners. Comments are due March 21st, Reply Comments by April 4th. I will ask NAEB staff to react to this recommendation.

5. NAEB Executive Staff agrees that the NAEB should file testimony supporting the proposed rulemaking to permit the operation of low power FM broadcast translators and booster stations and relaxation of the operator requirement. It is not contemplated that we will offer any engineering support in this filing but that the statement be general in nature. In speaking with you I understand that you will contact Bob Mott who presently has my FCC file on the docket and who will be prepared to discuss NER/NAEB's attitude with you at more length.

6. I called Bob Mott's attention to the FCC's denial of the petition by Bower Broadcast Products Division of Granger Associates for amendment of the rules to increase the permissible transmitter output power for non-commercial educational FM class D stations (RM 1273). I think if I understood correctly that you had indicated that the language of the denial might prompt NER to file some kind of supplementary comment in docket 14185 (FM Table of Allocations). I have a memo from Bob Mott which says: "I see no need for any action at this time. What is needed is speed on the part of the

Commission to complete the Table of Allocations. Until then I see no need for NAEB/NER to involve itself - unless information of which I'm presently unaware is called to our attention." That decision satisfies me, certainly, if it satisfies you. If you think this needs further discussion, it might be well to have it directly with Bob when he calls you in the matter of docket 17159.

7. The opinion letter on the subject of the Fairness Doctrine as it applies to pro and anti smoking spots and commercials has been transmitted to ETS/PS. It has not yet been put into a memo to stations, pending Bob Hutchins' (Public Health Service) reaction. He has been the administrator of the smoking and health project and asked ETS/PS to hold off for a few days until he could react thereto. He is expected to call Dave Leonard in the next few days at which time the material which you so kindly developed for us will be in all probability transmitted as recommended.

8. A reminder as much to myself as to you that Comments are due to be filed on February 10th in docket 18179 a Proposed Rule-making to Amend Part 73 of the Rules with respect to television programs produced by non-network suppliers and not made available to certain television stations. We have already determined not to file Comments but to search the docket after comments have been filed in the event that it becomes appropriate for us to file Reply Comments which are due on March 10th.

9. I will poll the Staff at the next opportunity to inquire whether NAEB wishes to comment on the proposed rule amendments to permit remote control of VHF television stations. My impression is that we will wish to file supportive comments although I doubt that we will want to go into deep engineering justification for our position. Comments are due March 28th with Reply Comments due on April 11th. I'll be back to you on this one shortly.

10. Finally a paragraph of miscellany:

- a) After conferences with the appropriate members of the staff we decided not to file in the rules proposal in docket 18426 governing the implementation of the 1968 law on devices interfering with radio. There seemed to be no area in which we were intimately concerned - we therefore determined not to file.
- b) On advice of Lou Schwartz we have taken no public position in docket 18430 with reference to amendment of the Table of Assignments for television broadcast stations at Annapolis, Maryland and Seaford, Del.
- c) We have been in touch with David Chapman of the Va. Council on Educational Television with reference to the substitution of the Channel 54 for Channel 33 at Lynchburg, Va. (both reserved channels). Va. has advised that they will probably not file any request for reconsideration in this matter but appreciates being alerted. They will advise us if there is any change in this decision.

- d) We determined we would take no position with respect to the request by the Virgin Islands Public Television System for allocation and reservation of channels 3 and 12 to St. Thomas and St. Croix. The situation has become exceedingly sticky with the entrance not only of objections on the part of commercial television operators in Puerto Rico but also with the granting by the British Virgin Islands of a CP to an American company for construction of one commercial and one educational channel on British Virgin Islands five miles distant from St. Thomas and on the same channels. The FCC has entered an objection to this action on the part of British authorities which has been transmitted to them via the State Department. This must remain a wait-and-see situation insofar as NAEB involvement is concerned.

HHR/cj



A division of

EDUCATIONAL TELEVISION STATIONS

NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

PHONE: 667-6000 • 1346 CONNECTICUT AVENUE • WASHINGTON, D. C. 20036

Ma

February 3, 1969

MEMORANDUM

To: Station Managers

From: Chalmers H. Marquis

Enclosed are comments which were made on your behalf in an oral presentation before the Federal Communications Commission in Washington this morning on the new proposed rule making (Docket #18397) on CATV regulations. Mr. Norman Jorgensen of Kreiger & Jorgensen, NAEB counsel, read the comments to the panel of all seven FCC Commissioners, and a packed hearing room. Other major association participants in today's session included the National Cable Television Association, the National Association of Broadcasters, the Association of Maximum Service Telecasters, and the All-Channel Television Society.

The comments reflect recommendations of the ETS CATV Committee (William Ballard, WUCM, University Center, Mich., Rex Campbell, KUED, Salt Lake City, Utah, Michael Collins, WNED, Buffalo, New York, William Hart, WYES, New Orleans, La., LeRoy Lastinger, WEDU, Tampa, Florida, George Strimel, WVIA, Scranton, Pa.), which studied the new rule making proposal at an intensive two day meeting in Washington January 7 and 8. The Committee's recommendations were transmitted by CATV Committee Chairman William Ballard to the ETS Board of Directors at their recent (January 26 through 28) meeting here.

These oral comments cover only a few of the recommendations made by the CATV Committee. Expanded written comments will be filed on March 3rd, with reply and other comments to follow.

NAEB STATEMENT

During Oral Presentations on February 3, 1969

Before the

FEDERAL COMMUNICATIONS COMMISSION

On Proposed Rulemaking for CATV (Docket 18397)

Read By

Norman Jorgensen of Kreiger & Jorgensen, NAEB Counsel

Mr. Chairman, members of the Commission: I appear here today on behalf of the National Association of Educational Broadcasters, an organization, well-known to the Commission through its participation in Commission proceedings concerning educational radio and television. The NAEB interest in today's docket is not perhaps as wide-reaching as the interests of others you will hear from this week but our concern in CATV matters is profound and already a matter of record with the Commission. In order that I might put one aspect of the NAEB's comments today in focus, let me go back to the Commission's Docket 17597, the Notice of which was released by the Commission on July 14, 1967. This Docket proposed a rule change that would exclude distant educational television signals from the hearing requirements of Section 74.1107. The proposed change would have shifted the burden of proceeding and persuasion in such signal importation cases to the local educational authorities.

NAEB filed an opposition to the proposed rule change; it could find no sound or valid reason why this burden of proceeding and persuasion should be changed. I will not repeat our arguments made in Docket 17597 here. For the moment it is sufficient to note that this rulemaking proceeding has not been officially resolved.

Although Docket 17597 has never been finally disposed of by the Commission in any Memorandum Opinion and Order, a reading of the proposed Sections 74.1107(b)(c) and (d) of Docket 18397 read as though the Commission had already adopted its proposal of that July 1967 Notice. All of these sections of the proposed rules place the burden of proceeding upon the educational authorities to come forward under the provisions of Section 74.1109. NAEB on behalf of educational broadcast interests vigorously opposes these proposals.

Why this burden should be placed upon ETV interests has never been articulated by the Commission. These non-profit, non-commercial educational stations have neither the funds nor the personnel to maintain constant vigilance in these matters. Nor do they have the funds to initiate proceedings of this kind before the Commission. In Docket 17597 the Commission claimed the proposal was aimed at Administrative convenience. However, as Commissioner Cox pointed out in his dissent there, that, if the Commission had not received a significant number of objections in this sector of CATV regulation, a rule shifting the burden for proceeding cannot add to Administrative Convenience. As a matter of practical fact, the contrary is distinctly possible.

In past situations ETV stations have persuaded CATV operators not to carry conflicting distant signals. And, this has occurred in early stages of CATV system planning. The very existence of the existing rule which places the burden of justification for carrying the distant ETV signal on the shoulders of the CATV system operator has been the catalyst for negotiations between CATV and ETV interests. Thus, without this catalyst Administrative burdens may be increased, not lessened for the ETV interest without the aid of the rule would have to seek Section 74.1109 relief.

In this proceeding the Commission has said "The unfair competition aspect (of CATV signal importation) must be eliminated" (541). This is said in a straight-away commercial context. But it is true also in ETV. These educational stations draw their financial support from their viewers and that support cannot be fragmented. Such a station has deep ties with its community -- it plans, prepares and schedules programming closely geared to the community's school needs and its social and cultural needs. As the Commission said in its Second Report and Order on CATV, 6 RR 2d 1717 at 1762, "CATV cannot effectively provide this carefully planned and prepared service by indiscriminately importing signals from distant educational stations. . ." And, the Commission added in this same Report, "It would be plainly inconsistent with (the national policy of encouraging the full development and expansion of educational television) to accord educational stations less protection than commercial stations. . . Considering the continuous financial struggle of ETV and its dependence upon local financial support and interest, we think that the possibility of adverse effect is sufficiently strong to warrant some special protection for ETV." Ibid., at 1763.

Today NAEB is not asking for "special protection." Rather we are asking for the "same" protection. Continued healthy maintenance of educational television operations, and continued development of these facilities across the country, require that the non-commercial educational television station should not have less than the same protection offered to commercial television stations in preserving local television broadcast service.

Because the rules proposed in this Docket are to govern CATV operations for some period of time to come as interim measures, it is essential that Sections 74.1107(b)(c) and (d) be revised at once. NAEB suggests that the wording of the rules be changed as follows:

1. In 74.1107(b) substitute the word "any" for "commercial" and delete the two "provided" clauses.
2. Likewise in 74.1107(c) substitute the word "any" for "commercial" and delete the "provided, however" clause.
3. The language of 74.1107(d)(4) should read "The system may carry the distant signal of one non-commercial educational television station obtained from the nearest community with an operating non-commercial educational

station. In the event that community lies in a State different from that of the system, then it shall select the signal of the nearest non-commercial educational station within the State in which the system is located and need not seek a waiver under the provisions of Section 74.1107(e)(2)."

As we have stated, the Commission proposes to regulate CATV for the future under these rules, what is more, the Commission will "grandfather" all distant signal importation authorized during this interim period. For this reason, we repeat, the rule changes here sought must be promulgated expeditiously. As the Commission may gather from the foregoing, NAEB supports the proposal that the CATV system obtain the consent of the distant station for retransmission of its signal.

Turning now to Section 74.1101(m) under "definitions" NAEB notes that the "specified zone of a television broadcast station" means a 35 mile radius from the main post office in the community or communities of assignment. We believe the Commission's decision to establish certainty and administrative convenience in using a fixed mileage standard is wise and NAEB supports the fixed mileage principle. We expect during these proceedings you will be hearing both favorable and critical argument regarding the principle and where the line should be drawn if the principle survives. Educational Television has its own views, we think the 35 mile radius is insufficient. An ETV station's support comes from its viewers, the school systems it serves, and educational interests in its community. The close-in area surrounding a community's down-town post-office, the commercial section, may very well be geographical areas with few interested viewers. Its source of community support is its point of local contact of local service. This is true particularly in the educational stations service to school systems. Let me be specific: WETA, Channel 26, Washington has an off-the-air signal that serves 19 school systems, located in Maryland, Virginia, and the District, public as well as parochial, some as far distant from the Washington Post Office at North Capitol Street and Massachusetts Avenue as 55 miles. Not only do these distant school systems help support WETA in a hard dollar sense but the parents and public in those communities are public supporters as well. NAEB recommends that the 35 mile radius be expanded to at least 50 miles, perhaps 60.

NAEB points out that the Post Office center may prove troublesome in more cases than not. It can be assumed, we believe, that transmitter locations never correlate with Post Office locations. The distances between the two locations in a community must generally be enormous. In other situations television antenna farms are more often than not located many miles from main post offices. There is no precise system of concentric circles of television signals emanating from the center of any city of designation. NAEB supports fixed mileage zones of protection and the resulting certainty and ease of administration. Whether the point of reference is the main post office or the transmitter site we are not able to say with certainty. The question is worthy of study and NAEB will attempt to deal with the question further in its written comments.

NAEB has considered the question of program origination by CATV systems. It notes that the Commission has expressed its concern about a specialist in program distribution, or "common carrier" to use the Commission's word, acting also as a program originator. NAEB in its considerations in this area shares the Commission's concern. Traditionally common carriers do not act as program originators; they control the distribution system and the access to it. They should not, to paraphrase a famous decision "compose the traffic" of the system. The bothersome question presented is ease of access to the system. As the Commission knows, program originators complain of difficulty of access to our major TV networks who also originate programs. It is this kind of "access to the system" problem that could arise. In a 20 channel CATV system with 6 to 8 free channels available "for hire" perhaps one channel in the hands of the distributor adds a further voice to be heard in a community. But if access to the system by others ever becomes a problem, this is precisely what the Paramount Case was all about when the government separated the production and distribution ends of the motion picture industry. NAEB is pleased that the question of program origination is resolved for the moment as a "tentative" Commission conclusion. The NAEB will give further consideration to the matter as well and will comment further in its written presentation.

One remaining matter requires NAEB mention. In Docket No. 18416 released January 15, 1969 it is proposed to revise the notification rule Section 74.1105(a) and (b). Under Section 74.1105(a) local stations are required to be notified in advance of the commencement of carriage of any distant television signal. NAEB supports the rule amendment that will require notice of the commencement of carriage of all television signals, distant and local. It also supports the proposed rule revision to require notification of termination of carriage of any television signal. Comments due in this Docket are to be filed February 17 and NAEB will elaborate its support of the Commission's proposal in written comments at that time.



NEWS

FOR RELEASE

IMMEDIATE
RELEASE

From the office of **EDUCATIONAL TELEVISION STATIONS**, A division of
NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS
1346 CONNECTICUT AVENUE WASHINGTON, D.C. 20036 PHONE: 667-6000

Washington, D.C., January 30 Hartford N. Gunn, Jr., WGBH, WGBX, Boston, was elected Chairman at the Board of Directors meeting of the Educational Television Stations, a division of the National Association of Educational Broadcasters. The ETS Board met here at the Washington Hilton Hotel, Monday and Tuesday (January 27-28).

Loren B. Stone, KCTS-TV, Seattle, was elected Vice Chairman, and Lloyd Kaiser, WITF, Hershey, Pennsylvania, Secretary.

The Board recognized the need for full funding of the Corporation for Public Broadcasting and for ETV Facilities for fiscal 1969 and 1970. Under the Public Broadcasting Act of 1967, \$9 million was authorized for the Corporation, of which only \$5 million was appropriated. For Facilities, \$12.5 million was authorized and only \$4.375 million was appropriated. The ETS Board declared the need for the original authorization.

In the area of CATV, William J. Ballard, WUCM-TV, Delta College, Michigan, Chairman of the ETS/CATV Committee, reported the recommendations of a recent meeting. The Board adopted the following recommendations; that ETS renew its objection to the FCC proposal to except ETV stations from the general protections of the rules either in final rulemaking or as part of any "interim procedures"; 2) that the Committee and the Board study further the implications

(more)

of the proposed rules governing CATV, and prepare recommendations for written comments to the FCC.

Other members of the ETS Board of Directors are: Warren Kraetzer, WHYY, WUHY, Philadelphia/Wilmington; Howard Holst, WKNO, Memphis, and William J. McCarter, WETA, Washington, D. C.

#

January 23, 1969

MEMORANDUM

TO: James Fellows

FROM: Robert Mott

My recommendation on the issue at hand is that we support the rules as described in the January 10, 1969 Report No. 7805 but urge that the Commission seek the necessary amendment to except FM translators from the licensed operator requirement.

RAM:lk1

cc: Riddleberger
Marquis

Bob Mott

JANSKY & BAILEY
BROADCAST-TELEVISION DEPARTMENT
ELECTRONICS AND COMMUNICATIONS DIVISION

BROADCAST & TELEVISION ENGINEERING
COMMUNICATION ENGINEERING
EDUCATIONAL TELEVISION

January 14, 1969

1812 K STREET, N.W.
WASHINGTON, D. C. 20006
(202) 296-6400

Mr. Holt Riddleberger, Director
Educational Television Stations Division
National Association of Educational Broadcasters
1346 Connecticut Avenue
Washington, D. C. 20036

Docket 17159

Dear Holt:

Comments in the new proposal regarding FM translator and booster services appear to be due February 17th. Roger Peterson will be sending you a brief memo in this regard. Perhaps we should work with the Educational Radio Division so that I am sending a copy of this letter to Jim Fellows also. ?

We are enclosing a copy of the FCC press release announcing the rule making proceeding. The notice is expected to be available within the next few days and we will forward it to you.

With best regards,

Sincerely yours,

Oscar

Oscar Reed, Jr.

OR:mfb
Encl. ✓

C: Messrs. Marquis and Fellows

NEWS

Federal Communications Commission
1919 M Street, NW.
Washington, D.C. 20554
Public Notice



26509

Report No. 7805

BROADCAST ACTION

January 10, 1969 - B

COMMISSION PROPOSES FM TRANSLATOR, BOOSTER RULES

Steps toward establishment of new FM translator and booster services have been taken by the FCC in a Notice of Proposed Rule Making. The idea, first suggested in a Notice of Inquiry in Docket 17159, February 1, 1967, is to extend FM to areas with uneven terrain and to poorly served areas. Virtually all comments in response to the inquiry favored an FM service patterned on TV translators.

To its rule making proposal, the Commission attached a set of suggested rules for FM translators and it said that it also proposed counterpart rules authorizing FM boosters. Although translators are in regular use to extend TV coverage, the only such operations authorized for FM have been on an experimental basis. Translators retransmit an originating station's signal on a different frequency. Boosters are repeating devices that amplify and retransmit a signal on the same channel as the originating station.

Describing the need for such services, the Commission said that local reception sometimes is unsatisfactory because of mountains or hills blocking line-of-sight transmissions. Some comments in the inquiry also claimed a need for service beyond the regular coverage areas of FM stations, and the proposed rules provide for this. "We do not find it desirable to restrict FM translators to gap-filling within predicted service contours of regular FM stations, provided that in individual cases a need is shown for FM translator service farther out," the rule making notice said. However, stations would not be allowed to place translators outside their own areas and within the areas of other stations. "This would permit FM station licensees, in effect, to increase their audiences and service areas in places where they would compete unfairly with one or more regular FM stations without having the burden of providing local program origination," the Commission said.

Generally translators or boosters would be licensed either to local FM stations or organizations representing local inhabitants under the rules proposed.

(Over)

Although FM translators would have the sole function of rebroadcasting the signals of stations or other translators, a translator could be used incidentally to relay signals to other translators provided it is fulfilling its basic function of service to its vicinity.

Limited translator originations would be permitted. They would be "confined to no more than 20 seconds per hour of matter seeking or acknowledging financial support for the translator. Such announcements may include advertising messages of contributors." , ,

Initially translators would be authorized only on the 20 Class A (small-community) FM channels for commercial-station rebroadcast and the 20 educational FM channels for noncommercial rebroadcast. Operation would be on condition that they cause no interference to regular radio reception. Power would be limited to one watt. Although some parties responding to the inquiry wanted more power, the Commission said, "...We do not envisage the translator as an instrument for providing wide area coverage but rather as a device for supplying service to concentrated clusters of population who are, generally, without service." It did say it expected that some high gain transmitting antennas would be used to provide effective radiated power of 10 to 20 watts for greater coverage in given directions.

FM translators would have to be staffed by licensed operators because the Communications Act requires this, with a single exception for TV translators. "The Commission will seek an amendment broadening the exception to include FM translators," the notice said. "Meanwhile; we shall have to require that FM translator operation be by an operator holding a restrictive radiotelephone operators permit." Holders of such permits are not required to have technical qualifications.

FM translators or boosters would not be authorized within 10 miles of the U.S.-Canadian border until the two governments agree on arrangements for interference protection and notification.

Interested parties have been invited to comment on the proposals by February 17. Reply comments will be due March 3.

Action by the Commission January 9, 1969, by Notice of Proposed Rule Making (Docket 17159). Commissioners Hyde (Chairman), Bartley, Robert E. Lee, Cox, Wadsworth, Johnson and H. Rex Lee.

January 28, 1969

Dr. Robert Hilliard
Chief, Educational Broadcasting Branch
Federal Communications Commission
20th and M Streets, N. W.
Washington, D. C. 20036

Dear Bob:

TV Digest circulated an FCC organization chart recently in which the position of Chief, Research and Education Division was shown to be vacant.

Although I was aware that your position is that of Chief, Educational Broadcasting Branch, the chart showing the vacancy in research and education is creating confusion.

I received two calls asking about your status and whether or not you were still the liaison for educational stations.

It's unfortunate that the division vacancy exists as there is now a marked increase in educational radio broadcasting activity. In addition, many educational broadcasters will believe -- after looking at the chart -- that you are no longer with the FCC. The result will be a slowdown in communication between the Commission and the educational stations.

Sincerely,

Robert A. Mott

RAM:lk1

Ret. to Freddie

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

October 25, 1968

IN REPLY REFER TO:

9310

American Telephone and Telegraph Company
195 Broadway
New York, New York 10007

In re: Docket No. 18316

Attention: J. F. Johnston, Jr., Esq.

Gentlemen:

On October 25, 1968, you filed a motion for an extension of time for filing reply comments in the above-referenced proceeding from October 28, 1968, to November 18, 1968.

Pursuant to §0.303(c), the Chief, Common Carrier Bureau, hereby grants your request for the reasons stated in your letter. A copy of this letter has been sent to all persons who have filed comments in this proceeding.

Sincerely yours,

Kelley E. Griffith
Kelley E. Griffith
Chief, Domestic Rates Division
Common Carrier Bureau

File

Jim. Macf

JANSKY & BAILEY
BROADCAST-TELEVISION DEPARTMENT
ELECTRONICS AND COMMUNICATIONS DIVISION

BROADCAST & TELEVISION ENGINEERING
COMMUNICATION ENGINEERING
EDUCATIONAL TELEVISION

December 17, 1968

1812 K STREET, N.W.
WASHINGTON, D. C. 20006
(202) 296-6400

Mr. James Fellows
National Association
of Educational Broadcasters
1346 Connecticut Avenue
Washington, D. C. 20008

Dear Jim:

Enclosed is a copy of our comments in the FM-TV field intensity measurements docket. This puts in a plea for a comprehensive approach to the problem which takes advantage of the information accumulated during the past twenty years.

With best regards,

Sincerely yours,

Oscar
Oscar Reed, Jr.

OR:mfh
Encl.

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

In the Matter of

Amendment of Part 73 of the Rules)
regarding field strength measurements)
for FM and TV broadcast stations)

Docket 18052
RM-839

REPLY COMMENTS BY JANSKY & BAILEY BROADCAST-TELEVISION DEPARTMENT OF
ATLANTIC RESEARCH CORPORATION, A DIVISION OF THE SUSQUEHANNA CORPORATION

1. Jansky & Bailey Broadcast-Television Department points out that the empirical FM and TV estimated field strength charts contained in the present Standards were mainly derived from the work of the Federal Communications Commission's Government-Industry Ad Hoc Committees between 1945 and 1955. The measured data from a relatively small number of FM and TV stations were obtained largely in accordance with the methods prescribed in earlier FM and TV Standards bearing strong resemblance to the methods recommended in the present Rule 73.686. These data were obtained mostly using antenna heights of 8 to 10 feet above ground which were feasible with the mobile measurements recommended by these earlier Standards. These data were adjusted to a 30-foot reference level by the appropriate theoretical height-gain factor. If the data obtained over the period between 1940 and 1952 had been taken by 30-foot sampling means (now commonly described as the TASO method since that 1959 report), we would probably have somewhat different nomographs of estimated field strength today. To relate measurements obtained solely by this newer technique to the values set forth in the present Standards would represent an apparent inconsistency.

2. Jansky & Bailey suggests retaining the present procedure of making field strength measurements at about 10-feet above ground on a mobile basis so that it will be possible to continue to obtain considerable amounts of data by means which can be logically referenced to past values. To supplement the mobile recordings so obtained, height-gain factors can be established by measurements at appropriate intervals along a route by the use of 30-foot

height measuring techniques which sample fields over a 100-500 foot interval. From these data a calibration factor can be derived for 10-foot mobile measurements within appropriate sectors. The sectors necessary may be several miles long in smooth terrain and perhaps as short as two miles in rough terrain. Any appropriate number of sectors may be established consistent with the methods discussed extensively in TASO documentation depending upon whether one is determining field strength distribution along a radial or in a town or city. This measurements proposal can therefore be described as incorporating the TASO method using data taken where specified or practical at the 30-foot height correlated with mobile data between such points taken at the 10-foot height adjusted by a sector height-gain factor uniquely determined for that sector.

3. The Federal Communications Commission can establish procedures for the particular type of field strength situation requiring analysis which will promote comparable results when employed by independent observers or when used at different times by the same observer. In this connection the analysis of time fading factors and location probability functions as elucidated by the Federal Communications Commission Engineering Department in its Third TV "Freeze" Report of March 24, 1951 represents a true benchmark for these considerations. One does not deal with contours as in the Standard Broadcast sense but rather with "Service Limits" which are statistical in nature. Furthermore, Grades of Service are based upon employment of receiving antennas of specified gain and other specific system characteristics. Terrain factors and time fading factors are included in the definitions of Grade A and Grade B Service. For example, in establishing these service probabilities for the Grade B case the Commission assumed antennas with a 6 db gain for Channels 2 to 13 and antennas with a gain of 13 db for Channels 14 to 83.

4. The reference to field intensity contours in Rule 73.683 is by definition based upon the F(50,50) nomographs which are adjusted in accordance with the table contained in Rule 73.683. This results in dbu (db above one microvolt) definitions of service grade. Thus, the "Grade B contour" springs from a Grade B "Service Limit." As defined by the Third TV Report, the

Grade B service limit is so specified that a quality acceptable to the median observer is expected to be available for at least 90% of the time at the best 50% of receiver locations at the outer limits of this service.*/

5. Where service considerations within the Grade B region, which do utilize the aforementioned statistical probability concepts, are involved, the location probability functions graphically shown in Appendix V, Figure 5 of the Third TV Report are used. These graphical values were based upon 8 to 10-foot mobile measurement data. This information was directly relied upon in developing co-channel interference acceptability ratios which were one integral factor in allowable mileage separation determinations. The root justification of this reasoning is in the work on earlier propagation material which the Ad Hoc groups used. Such references should not be discarded and they can be brought up to date by the application of the newer TASO knowledge and techniques. For this purpose the Federal Communications Commission has had the TASO data at its disposal and has from time to time issued technical reports thereon.

6. The periodic sampling technique which is suggested to supplement the method contained in the present standards will result in appropriate sector correction factors. The following table gives the approximate wavelength in feet for the several frequency bands of concern and illustrates the wavelength domain in which the measuring antenna operates:

<u>Band</u>	<u>Frequency</u>	<u>Wavelength (Feet)</u>
Low VHF	54 to 88 mc.	18 to 12
FM	88 to 108 mc.	12 to 9
High VHF	174 to 216 mc.	5.7 to 4.5
UHF	470 to 890 mc.	2 to 1

*/ "Grade A service is so specified that a quality acceptable to the median observer is expected to be available for at least 90% of the time at the best 70% of receiver locations at the outer limits of this service." - See Third Report. See also "Iso-Service" contour concept, Paragraph 94, Sixth Report and Order dated April 14, 1952.

The foregoing table makes clear the fact that an antenna at 30 feet above the ground is almost 2 wavelengths high for Channel 2, but is about 30 wavelengths above the ground for Channel 83. In the transmission propagation medium electrical obstacles to the radio wave of short length (1 foot) become much less severe for a radio wave eighteen times as great in length. Therefore, what may be characterized as "fairly smooth" terrain for Channel 2 transmissions may well be "rough" for Channel 83 transmissions. Yet, measurements made at 30 feet on both are believed to be useful and comparable since receiving antennas are often installed at that height. This man-selected height which logically fits many typical outdoor antenna circumstances bears no particular scientific relationship to the electrical dimensions (wavelength) of the wide range of frequencies utilized in FM and TV broadcasting.

7. In a recent statistical survey along a several mile path within one major market it was determined that only about 50% of the homes along the route had outdoor TV antennas. This would indicate that in some instances there is a great tendency to use indoor antennas. For this part of the population, measurements at a height 10 feet above the street will be about as fair a measure of effective field strength for TV coverage as the chimney height typical of outdoor antenna utilization. The combination method as suggested will provide field strength information having the best correspondence with general public reception conditions at both typical heights.

8. In summary, Jansky & Bailey suggests continuing to build upon the statistically sound concepts for defining FM and TV propagation and coverage factors cooperatively developed by the Federal Communications Commission with Industry assistance since the first experimental FM stations were licensed almost 30 years ago in 1939. Rule 73.686 should be supplemented to define the categories of concern under the Rules in which field strength measurements would be helpful to the regulatory process. Depending upon the nature of the category, i.e., propagation, coverage, duopoly, etc., procedures should be stated for the taking of field strength measurements appropriate to the regulatory, management, and engineering needs to be met. Mobile measurements

at 10-foot height over extensive radial road routes would be involved for some instances to satisfy the need for wide area coverage and interference information. These data would be adjusted in accordance with terrain requirements by factors obtained from 30-foot height calibrations at intervals statistically defined. In other instances where primary concern is for TASO type propagation information, cross country radials along a single azimuth with measurements at specifically defined intervals would be used. These data taken at 30-foot antenna height can be directly correlated with a definite topographical profile determined for the propagation transmission path. To narrow the approach and to search perhaps futilely for a one "best" universal technique would be to fail in adequate treatment of a complex environment which has grown magnificently in recent years. Industry regulatory problems merit the thorough application of broad gauge engineering determinations and not some narrow possibly over-simplified approach which would fail to build further and adequately upon the sound foundations of the past. Recognizing the difficulty, but with much more data than available in the 1948-1952 freeze period, it should become possible to move forward for the benefit of the broadening concerns of the Public and the rapidly diversifying needs of Industry.

December 6, 1968

Respectfully submitted,

ATLANTIC RESEARCH CORPORATION

A Division of The Susquehanna Corporation

Oscar Reed, Jr.

Oscar Reed, Jr. - Director

JANSKY & BAILEY BROADCAST-TELEVISION DEPT.
Electronics and Communications Division

Subscribed and sworn to before me this 6th day of December 1968.

Mary F. Baldwin

Notary Public

My Commission expires Aug. 14, 1969.



EDUCATIONAL TELEVISION STATIONS

A division of

NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

PHONE: 667-6000 • 1346 CONNECTICUT AVENUE • WASHINGTON, D. C. 20036

Office of the Executive Director

December 10, 1968

MEMORANDUM

To: Executive Staff

From: H. H. Riddleberger

Re: FCC and related matters - status report

Following is a summary of NAEB statements, past and future areas of activity with respect to the FCC and other related areas of concern (* indicates action proposed but not yet taken):

Identification	Description	Action taken or proposed
<u>Recent FCC Filings:</u>		
Docket 18244	Petition for rulemaking to require broadcast licensees to show non-discrimination in their employment practices	Comment (C) filed October 9; Reply Comments (RC) filed November 12.
Docket 18316	Free or reduced rates inter-connection service for non-commercial educational broadcasting.	C filed 10-16; no RC filed
Docket 18346	Amendment of Part 74, Subpart I, of the Commission Rules and Regulations governing Instructional TV Fixed stations, to provide for the licensing of ITFS Response Stations in the Band 2686-2690 MHz	C filed 11-12; no RC filed
Docket 17999	Amendment of Pt. 74 of the Commission's Rules to permit stations licensed to the Community Antenna Relay Service to transmit program material originated by CATV systems.	C filed 12-19; no RC filed

Pending FCC Filings:

RM 1365	<u>Petition</u> for Rulemaking to provide for encoded ("scrambled") transmission by noncommercial ETV stations.	* No C filed (due 12-12) Will wait for RC or rulemaking and then make recommendation.
RM 1369	Req. waiver of Section 73.610 (b) of the rules and amendment of the Table of Television Assignments to add reserved channels 3 (St.Thomas) and channel 12 (St.Croix) to operate on a short spaced basis to channels 3 and 12 (Puerto Rico).	* Support to be filed by 12-15
Docket 18373	Proposed rulemaking to amend Sec. 74.1107 of the Rules to avoid filing by CATV systems of repetitious requests for distant signal carriage by CATV systems operating in the same community.	* Comments due 1-3; RC due 1-13. Discussion has taken place; Bob Woods is drafting.
Docket 18294	Third notice of inquiry regarding conference on Radio Astronomy and Space Services.	* RC to be filed (see attached)
Docket 18261	Amendment of rules to provide for geographic reallocation ("sharing") of UHF TV channels 14 through 20 to the land-mobile radio services for use within the 25 largest urbanized areas of the United States (Petition RM-566 filed by Telecommunications Committee of the NAM to permit use of channels 14 and 15 by land-mobile stations in the L.A. area.)	Comments now due February 3, reply comments March 31. See discussion outline.
and Docket 18262	Amendment of the Rules relative to future use of the Frequency Band 806-960 MHz (channels 70-83); in effect to remove these channels from UHF-TV broadcast use except for translators.	

Discussion:

a) Proposed basic position:

- '261: Agree to sharing provided adequate testing proves beyond doubt that proposal is practicable and can be adequately policed. (Needs engineering opinion).
- '262: Do not agree to reduction of present 83 channel system. (Needs thorough statement, justifying NAEB's traditional position in the light of developments since 1961-62 statement.)

b) Activities by others:

NAB, AMST, ACTS, Land-mobile interests.

c) Assignment of responsibility for position development.

d) Timetable:

Other FCC matters:

Docket 18390	Proposal for rulemaking to permit WYES (ED) Channel 8 in New Orleans to "swap" frequency with Channel 13 in the same city for certain considerations.	WYES has not req. we take a position. No action by NAEB proposed.
BPET-317	Kentuckiana ETV Council request for waiver to permit modification of the facilities of WFPK-TV Channel 15, Louisville, Kentucky (short-spacing with Channel 15, WTTU, Bloomington, Indiana, which does not object.)	Originally req. to support; now requested to table action until further notice.

Miscellaneous

a) I have talked with new members of the Executive Staff and with Bob Woods as to the desirability of summarizing in list form a record of FCC proposals, inquiries, etc. in which NAEB has filed statements and which are still outstanding in so far as FCC action is concerned. Staff and Mr. Woods agree that this would be a desirable undertaking. Mr. Woods feels that one of his secretarial staff can with little effort review the K & J files and bring such a summary up-to-date in the near future. To the extent practicable, it will be broken down by areas of concern: e.g. CATV, Radio, TV general, etc. I'll supply copies to each pertinent staff member and will try to keep such summary up-to-date as time goes on.

b) ETS, with the approval of the NAEB Executive Board has recently included in its revised 1968-69 budget a small sum for use in obtaining engineering consulting help for the Division. We have interviewed a number of engineering consulting firms in Washington and I hope that a decision will be made this week. The matter will be discussed with the Executive Staff in detail by Mr. Marquis in a later meeting. Any arrangement which ETS makes will be on a short trial term basis. We are hopeful that it may prove of specific immediate use with respect to dockets 18261 and 18262 (UHF - land-mobile) described above.

c) It is expected that the President's Task Force on Telecommunications report will be filed shortly - certainly, before the change in the administration in January, since the Task Force is under instructions from President Johnson. There are conflicting reports as to the extent with which the document will deal with domestic broadcast matters. Some say that it will do so extensively; others that influential broadcast interests have persuaded the Task Force to delete most of the broadcasting commentary. There is no question but that President Johnson's refusal to run and Mr. Humphrey's defeat have reduced the impact of whatever

recommendations the Task Force may make. However, it will be important for us to study the report carefully as soon as it is published in order to assess its impact on future administration and FCC actions with respect to both domestic and international broadcasting. It might be well to assign such a study at the present time in order that there may be no delay when the report (reputed to be a fat one) comes out.

d) Roger Petersen and Oscar Reed came in the other day to report on a matter which they had stumbled upon and which they thought should be of concern to the broadcasting industry: it seems that Mack Parker of the FCC is supposed to have on his desk a second revision of proposed table of allocations from Canada, in effect providing for a saturated table of allocations for Canada through channel 83 (Canada table is already saturated through channel 70). In the industrialized northeast and north central arch from Erie through Duluth, this would seem to argue that American interests might be ill served by such an allocation pattern. For example, only one allocation under the U.S. table remains to the city of Detroit, UHF channel 78. The proposed table for Canada would assign 78 to Windsor, Ontario directly across the river. J & B's concern is that the Canada-U.S. agreement differs from normal international spectrum procedures (which must be cleared through the State Department) in that the FCC is empowered to deal directly with the Canada Board of Broadcast Governors. Thus, any normal rulemaking procedure or other provision for comments might be by-passed. J & B feels that the FCC should be challenged to commit itself to some activity with respect to American use of channel 70 through 83, before Canada becomes locked into a commitment in that area of spectrum (see docket 18262 above). Perhaps so simple a procedure as filing a request for rulemaking to reserve channel 78 in Detroit for educational broadcasting use might suffice. A discussion as to the adviseability of taking further action is requested.

e) Robert Mott has some recent information on the status of the proposed new FM allocation table for educational broadcasters, which appears still to be at the into-the-computer stage and probably two years away (a new Canada allocations table is still being awaited). In the meantime, we understand that WABI has been challenged by the FCC for failure to comply with certain administrative regulations governing FM stations operating in the non-reserved portion of the spectrum - that is as a commercial station would be required to file. At the same time, the FCC is showing increasing reluctance to authorize educational FM broadcasting in areas where there exists a channel 6 TV allocation (this is the band reserved for educational FM broadcasting). It would seem that we should continue to keep a close eye on FCC activities with respect to educational FM stations and to be prepared to suggest procedures designed to protect educational broadcast interests.

f) I intend to up-date this memorandum every two to three weeks and request that the Executive Staff retain this lengthy memorandum as a base document to a continuing exercise.

Dec. 6, 1968 - Conference - Lunsby & Barley -

Roger Peterson

Herb Liddleberger

Fellous - (Absent)

Oscar Reed, Jr. (ARE)

Bob Mott

1. TV Matter - Chs. 70-83 Canadian problem
2. Channel 6 Interference - Perhaps more imagined than real.
(NAEB position - what is it?)
3. I F problem - Two stations w/ separation of 10.6 to 10.8.
A problem is created.
4. Chs. 201-217 one criteria. Chs. 218-220 another criteria.
5. FM Table of Allocations. Where how.
6. Number of AM - FM - TV stations on Commercial Channels.
(Non-reserved)
Believed to be 25 AM's - 15 FM's & TV's.



October 31, 1968

MEMORANDUM

To: William G. Harley

From: H. H. Riddleberger

With respect to the FCC's concern about an Alabama law which reportedly prohibited any other group than the State ETV Commission from applying for an educational broadcasting station license: The matter is now peacefully closed. The law actually only places in the hands of the Commission full responsibility for the development of non-commercial television throughout the state, and says nothing about prohibiting others from filing. Actually, the Commission intends to interpret the word "television" as "broadcasting" which was apparently the legislatures intent. He is going this week before an Educational Study Commission of the state legislature to discuss plans for the next ten years for educational communications in Alabama.

There seems, therefore, to be no conflict between state and federal law; the Commission has in fact no more authority than a dozen other commissions in other states.

cc: Robert Mott ✓

HHR/cj



NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

1346 CONNECTICUT AVENUE • WASHINGTON, D. C. 20036

OFFICE
OF THE PRESIDENT

*On Reserved
Channels*

*25 AM -
15 FM -
8 TV -*

Channel of Hilliard

*H. G. -
Hilliard -
VKT*

MEMORANDUM

*~~WOL~~ - Case
WOL -
Case filed by WOL
for Commercial
Channel*

*FCC Considers
Form Commercial*

TO: Bob Mott
Norm Jorgensen

October 21, 1968

FROM: W. G. Harley

Bob Hilliard called (October 18, 1968) to say that there is a case over at the FCC which may be of interest to us and will bear watching.

WBAI, New York City's Pacifica station, has been charged by the Commission with violation of performance rules, because the FCC has lumped it with commercial stations and applied the criteria of performance for commercial stations against WBAI. WBAI has a non-commercial educational license but is operating on an unreserved channel; the Commission has taken to classifying all stations operating on unreserved channels as being a part of the commercial part of the industry. WBAI has protested and pointed out the many rules which do not apply.

This controversy has obvious implications to educational broadcasting, because all of our AM radio stations occupy unreserved channels and it took us years to get special forms developed for educational stations. I don't think there is anything we can do directly in this matter in terms of a formal filing, but we should watch it.

- WGH

WGH/hc

MEMORANDUM

TO: Chuck Marquis

October 21, 1968

FROM: W. G. Harley

Just for your information, Bob Hilliard called the other day to say that the FCC has run across a unique situation in the State of Alabama, which apparently has a law saying that the only group or agency which can apply for an educational broadcasting station license in the State of Alabama is the State ETV Commission. The FCC is checking this out to be sure of the precise language and implications; it may be subsequently raised as a matter of conflict between state and federal law.

- WGH

cc: Bob Mott ✓
WGH/hc



WAMC 90.3 mc
Albany, New York

WGBH 89.7 mc
Boston, Massachusetts

WAMU 88.5 mc
Washington, D. C.

WRFK 106.5 mc
Richmond, Virginia

WBUR 90.9 mc
Boston, Massachusetts

WRVR 106.7 mc
New York, New York

WFCR 88.5 mc
Amherst, Massachusetts

WUHY 90.9 mc
Philadelphia, Pennsylvania

WAMU-FM
The American University
Washington, D. C.
20016

October 4, 1968



Mr. Ben F. Waple, Secretary
Federal Communications Commission
Washington, D. C. 20054

Re: 47 CFR Part 43
Docket #18316
FCC 68 - 909

Dear Mr. Waple:

The Eastern Educational Radio Network, Inc. supports the proposed rules establishing authorization for a free or reduced rate for interconnection of non-commercial educational television and radio services.

In reaching a favorable decision on the proposed rule, the Federal Communications Commission will open new opportunities for the exchange of educational programs among non-commercial stations. Being one of the major groups operating an interconnected educational radio network in the past, I can tell you that the monthly line charges cut deeply into potential programming dollars. Although the carriers were sympathetic to the problems of line overhead costs, they felt unable to reduce or eliminate charges even for the most worthwhile programs.

One of the major stumbling blocks in the way of significant new network broadcasting efforts among educational stations appears to be the interconnection cost. The EERN urges approval of the proposed rule change.

Sincerely,

Roger Benn, Ph.D.
Director of Broadcasting

President, EERN, Inc.

RP:ah
cc: EERN Directors
Mr. Mott, NER



EDUCATIONAL TELEVISION STATIONS

A division of

NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

PHONE: 667-6000 • 1346 CONNECTICUT AVENUE • WASHINGTON, D. C. 20036

September 27, 1968

To: ETV Station Managers

From: H. Holt Riddleberger

Attached is a copy of the Federal Communications Commission Notice of Proposed Rule Making in the matter of free or reduced rate interconnection services for noncommercial educational broadcasting. This notice is primarily directed toward inviting comments on specific proposals for reporting by common carriers of requests for, and refusals of, rate reductions to educational broadcasters.

However, the notice gives educational broadcasters their first opportunity to place on the public record their comments on the whole range of past problems with respect to interconnection via common carrier, as well as the opportunities for service which free or reduced rates would make possible.

NAEB will be filing such a document, as will a number of national, regional and state networks and organizations, and some individual stations. If you are one of those planning to file comments directly with the FCC, we would like to be sent a copy of your filing. If you are not planning to file formally, we'd appreciate any "case histories" or comments you might wish to make on the basis of your experience in dealing with common carriers on a local, state, regional or other basis.

The filing date is very close at hand: October 16th. We would need your informal comments as soon as possible -- certainly not later than October 8th -- so that we could incorporate them in our own comments.

We think this is a matter of vital importance to the future of educational broadcasting, and appreciate your help in documenting the record.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

In the Matter of

FREE OR REDUCED RATE INTERCONNECTION SERVICE)
FOR NONCOMMERCIAL EDUCATIONAL BROADCASTERS) DOCKET NO. 18316

NOTICE OF PROPOSED RULE MAKING

Adopted September 5, 1968; Released September 6, 1968

By the Commission: Commissioner Bartley concurring but reserving opinion on the question of whether it is in the public interest for carriers to grant free or reduced rates to noncommercial educational broadcast stations until comments have been received and considered in the rule making proceeding; Commissioner Johnson concurring in the result.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The purpose of this proposal is to prescribe rules deemed essential at this time to implement the provisions of the new Section 396(h) of the Communications Act of 1934. This section of the Act is a portion of the amendments to the Act embodied in the Public Broadcasting Act of 1967 (P. L. 90-129; 81 Stat 365). The text of Section 396(h) is as follows:

Authorization for free or reduced rate interconnection service

Nothing in the Communications Act of 1934, as amended, or in any other provisions of law shall be construed to prevent United States communications common carriers from rendering free or reduced rate communications interconnection services for noncommercial educational television or radio services, subject to such rules and regulations as the Federal Communications Commission may prescribe.

3. In its report to the Senate on the Public Broadcasting Act of 1967, the Senate Commerce Committee referred to Section 396(h) and stated: "Your committee is confident that the communications common carriers will recognize the great public service potential that noncommercial educational broadcasting has and the importance of interconnection facilities to the system." (Senate Report No. 222, page 11) Thus, it appears that requests will be made of common carriers to provide free or reduced service pursuant to Section 396(h) of the Act and that such service will be provided by the carriers. We believe that it is in the public interest for the carriers to do so, subject to appropriate rules and regulations as may be prescribed by the Commission. Accordingly,

it appears desirable to establish rules at an early date that will govern such service. We recognize that as experience is gained, the rules we propose herein may have to be modified. Such experience may also indicate the need for filing appropriate tariffs, pursuant to Section 203 of the Communications Act, governing special offerings to public broadcasting as preferential rates. As an initial step, we believe that it would be desirable to establish certain reporting requirements so that the Commission may be kept fully informed with respect thereto.

4. Specifically, we propose to add a new Section 43.74 to Part 43 to require that any carrier providing such free or reduced rate service as contemplated by Section 396 (h) of the Act shall file with the Commission every six months a report identifying the stations to which such service was rendered during the reporting period, the general character of the interconnection services provided, the amount and percentage of reduction given from the tariff rates on file with this Commission. It shall also report the extent to which such service has been requested but not furnished.

5. This proposed addition to our rules is issued pursuant to authority contained in Sections 4(i), 218, 219(b) and 396(h) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before October 16, 1968, and reply comments on or before October 28, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of Section 1.419 of the Commission's Rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Federal Communications Commission

Ben F. Waple
Secretary

Attachment

Proposed Addition to Part 43 of the Commission's Rules

§43.74 Service rendered pursuant to free or reduced rates; reports relative thereto

Any common carrier subject to the Communications Act may render free or reduced rate communications interconnection services for noncommercial educational television or radio services subject to the rules contained in this part. Every carrier requested by any person to render such free or reduced rate service shall make and file, in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the call signs and locations of the stations to which free or reduced rate interconnection service was rendered pursuant to this rule and the dates such service was rendered; the names of any agency, corporation or association of stations, other than the stations interconnected, to which such service was charged or credited; the general character of the service provided; the charges in dollars which would have accrued to the carrier for such service rendered if charges for all such services had been collected at the published tariff rates; the charge in dollars, if any, actually made or credited for such service; the names and addresses of any person whose request for such free or reduced rate service has been denied together with a general description of the service requested, the reasons for such denial and the dates thereof.

DAVID GINSBURG
MYER FELDMAN
TYLER ADELL
ALBERT J. BEVERIDGE, III
EDWARD CHAYES
ROBERT N. DOROSIN
ROBERT M. HAUSMAN
MARTIN JACOBS
LEE R. MARKS
ROBERT N. MEISER
FRANK E. SAMUEL, JR.
JAMES E. WESNER
MARC A. WHITE
JOHN H. ZENTAY
J. W. ROSENTHAL
COUNSEL

LAW OFFICES
GINSBURG AND FELDMAN
1700 PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C. 20006

September 30, 1968

TELEPHONE
(202) 223-3600

CABLE ADDRESS
"LEGIS"

EUROPEAN OFFICE
20 PLACE DE LA MADELEINE
PARIS 8*, FRANCE

MEMORANDUM FOR MESSRS. DAVIS and MARQUIS

Subject: FCC Notice of Proposed Rule Making, in
the matter of FREE OR REDUCED RATE
INTERCONNECTION SERVICE FOR NONCOMMERCIAL
EDUCATIONAL BROADCASTING, Docket No. 18316.

Enclosed is the memorandum you requested; it summarizes
the FCC Notice of Proposed Rule Making, suggests areas in
which comments might be helpful, and explains the format
and procedures for filing.

Ginsburg and Feldman
GINSBURG and FELDMAN

MEMORANDUM

The FCC has issued a Notice of Proposed Rule Making to implement Section 396(h) of the Public Broadcasting Act of 1967, which authorizes free or reduced rate interconnection services for noncommercial television and radio, Docket No. 18316. The text of Section 396(h) is contained in the attached copy of the Notice.

All "interested persons" are invited to file comments with the FCC by October 16. These comments can be extremely helpful to the FCC in determining what actions it should take with respect to free or reduced rates.

We've been asked to explain and summarize the Notice, suggest areas in which comments may be helpful to the FCC, and outline the format and procedures for filing comments.

I. The Notice of Proposed Rule Making

a. Background

The cost of interconnecting stations has always been a serious problem for public broadcasting. Section 396(h) of the Act responded to the problem by authorizing common carriers to provide interconnection for public broadcasting at free or reduced rates, "subject to such rules and regulations as the

Federal Communications Commission may prescribe." The legislative history of Section 396(h) clearly indicates that Congress expects common carriers to offer interconnection at free or reduced rates.

b. Scope of the Notice

Paragraph 2 of the Notice states "The purpose of this proposal is to prescribe rules deemed essential at this time to implement the provisions of the new Section 396(h) of the Communications Act of 1934."

Paragraph 3 of the Notice - extremely important - endorses free or reduced rates and states that "it is in the public interest" for carriers to provide such rates.

Paragraph 6 of the Notice invites "interested persons" to file comments on or before October 16 and reply comments on or before October 28. The term "interested persons" is extremely broad and would certainly include any station or group or stations, association, network (national, state or regional), citizens' group, foundation, PBL, state commissions, and government agencies.

The Notice is a broad invitation to comment not only on the proposed rule set forth therein, but also on other rules or FCC actions that are important now in providing free or reduced rates for public television and radio interconnection. Submissions

should provide the FCC with any information that will be helpful in dealing with the question of free or reduced rates; with concrete suggestions for FCC action; and, to the extent possible with additional proposed rules that the FCC might consider in this area.

c. The Proposed Rule

No rules have yet been issued to implement Section 396(h); the proposed rule is described as "an initial step".

The proposed rule would require all carriers from whom free or reduced rates had been requested to file reports with the FCC twice yearly (January 31 and July 31).

The reports would show:

- o To which stations free or reduced rates were given, and when.
- o In the case of reduced rates, to what entity, if any, other than the interconnected stations such rates were charged or credited.
- o The general character of the service provided (e.g., black or white, color, audio-visual, audio, etc.)
- o The actual charge for the service.
- o The charge that would have been billed if the service had been provided at published tariff rates.

In addition, carriers would be asked to report any denials of requests for free or reduced rates, with a description of the service requested and why it was denied.

II. Areas in Which Comments May Be Helpful

Listed below are some suggested areas in which comments may be helpful. The list is by no means inclusive.

- o Is the proposed reporting rule sufficient?
Perhaps carriers should be required to report more frequently. Should carriers be required to report matters on which no action has been taken - the serious problem of delays - as well as requests that have been "denied"? What requests are pending and how long have they been pending? Should the carrier be required to report periodically - e.g., monthly - regarding pending requests?
- o What are the specific interconnection needs of noncommercial television and radio - by state, regional, or other grouping of stations? For example, what could have been done in the past year that was not done because of the costs of interconnection? What programs should have

been seen, e.g., state-wide, that because of the costs of interconnection were seen only locally? What are the requirements for the coming year - quality and kind of service, number of hours per week, number of days, location of stations to be interconnected? How much is spent on interconnection?

- o What experience do we have in attempting to negotiate free or reduced rates since the Act was adopted? Before?
- o Should rates be "free" or "reduced"? Reduced by how much? Can we distinguish situations in which free service is appropriate from those in which reduced service is desirable - in terms of the kind of program, e.g., instructional, children's programs, or the kind of service, e.g., prime time vs. off-peak service.
- o Do "instructional" and "educational" television and radio raise the same problems, or should they be treated differently? What about television vs. radio?

- o What problems -- technical, financial, regulatory, and otherwise -- do stations, regional groupings, state networks, etc., face in approaching the interconnection question?

In order to realize the potential of Section 396(h), the public television and radio community must take the initiative in defining what service is needed, what it regards as a reasonable charge for the service, what the problems are, and how the FCC can come to grips with the matter. Submissions should focus on what public broadcasting wants the FCC to do.

III. Format and Procedure

1. An original and 14 copies of each submission must be filed with the FCC. The original must be signed.
2. Submissions can be on letter or legal size paper; they can be single or double spaced.
3. The cover page should indicate the title of the proceeding, the docket number, the name of the entity commenting, and the date of the submission. A model cover page is attached.
4. Submissions delivered to the FCC in person should be taken to the Secretary's office, Room 222, 1919 "M" Street,

N.W., Washington, D.C. 20554. Submissions can be mailed to Ben F. Waple, Secretary, Federal Communications Commission, 1919 "M" Street, N.W., Washington, D.C. 20554. If mailed, they must be received by the FCC mail room on or before October 16, 1968.

Ginsburg and Feldman
GINSBURG and FELDMAN

September 30, 1968

September 25, 1968

MEMORANDUM

TO: Jim Fellows

FROM: Robert A. Mott

SUBJECT: Reaction to Hobbs memo on Current Status
FCC Matters

Since I'll be away from the office the balance of the week, here is my response to the areas covered in Mike's September 22 memo.

1. Land Mobile: Sorry to say I am not acquainted with this problem and do not know whether it affects NER. No position.

2. Employment Practices: Woods and I talked about this and the material Hungerford left with me was routed to you per our verbal discussion of the 20th.

3. Non-network Program Suppliers: As I understand this, no concern for NER.

4. Area/reduced rate interconnection -- carrier reports: This was discussed briefly in executive staff meeting on September 17. If radio is included then I would ask that any comment filed by the NAEB make it clear that the association is concerned about both media. To date, I've spent little time on this but as I understand it, radio has not been included in early discussions. If this is correct, it is unfortunate and a continuing effort should be made to develop lower or no-cost interconnection rates for both radio and television. I trust that is the Association position but I lack background on this matter.

5. Telpac: No action suggested.

6. CATV Program Origination: I would hope that the Association would take a position on this matter -- a position opposing program origination by CATV interests.

7. Remote Control, VHF: As a one time manager of both an AM and VHF station, I feel we should support the NAB position at the appropriate time. The limited

page two
MEMORANDUM, Mr. Fellows

September 25, 1968

availability of technicians plus the economic impact
is of importance. Association should support VHF
remote control.

8. No comment except very interesting.

Jim Fellows



Mike Hobbs *meh*

September 22, 1968

CC: Marquis, Riddleberger,
Clark; Mott

RE: Current Status of FCC Matters

I met with Bob Woods Thursday, September 19, and he passed on the following report and recommendations on current FCC dockets:

1. Land Mobile. Comments due December 2. The FCC is holding, at his request, the old land mobile docket, #11997 (all 16 volumes of it). That record should be researched for evidence that the land mobile interests are using the same arguments this time as they did before (i.e. "the higher frequency spectrum space proposed as an alternative is no good--no equipment exists for it--will prove unsatisfactory and go un-used") and that the argument has been proven false by experience since then. Woods suggests NABE might not want to pay counsel to do that research, would prefer to send someone from staff instead. He needs to know as soon as possible in order not to keep Docket Room hanging fire.

2. Employment Practices. Comments due October 2. Hungerford was working on it, and Clark. Woods believes Mott now has the material. Under control.

3. Non-network program suppliers - exclusivity contracts. Comments due October 8. If NABE wants to file, must begin on this quickly.

4. Free/reduced rate interconnection - carrier reports. Comments due October 16. Woods recommends we file comments, since this is the first official action FCC has taken in this regard.

5. Telepac. Woods recommends we not file reply comments: (1) docket is too far along, (2) matter is of interest only to a few NABE members, and (3) those few are so deeply interested that they are probably looking out for themselves.

6. CATV Program Origination. Comments due September 20. Woods recommended we not file comments now; wait to read the other parties' comments, file reply comments in November, after further consideration of our own.

7. Remote Control, VHF. Comments due September 25. New, NAB Petition for Rulemaking. No need for action now; can wait for rulemaking stage.

8. A matter of general interest: the WXXI petition for reservation of a second channel for Rochester has been opposed by the local Urban League. UL argues: (1) channel should be available for the minorities to use and apply for, not taken out of circulation for use by the intellectual and cultural elite, which already has a channel; (2) ETV station is lily-white, should not be rewarded with a second channel.

Woods believes WXXI will have no difficulty at all in overcoming these arguments, on basis of its record; but points to mere fact opposition was filed and arguments made as symptomatic of an attitude and an image that may cause more stations problems in the future.

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

September 16, 1968

IN REPLY REFER TO:

Mr. William G. Harley
President
National Association of
Educational Broadcasters
1346 Connecticut Avenue
Washington, D. C. 20036

Dear Bill:

I appreciate your comments on the NATRA speech.
And I continue to read enthusiastically Ken Clark's minority
programming reports.

I have told Bob Mott that I will let NAEB know around
October 11 whether I can participate in the convention. If it
works out I tentatively plan to give a paper on the financing question.
Please let me know if this raises any problems.

Sincerely,



Nicholas Johnson
Commissioner

September 9, 1968

Dr. Robert Hilliard
Chief, Educational Broadcasting Branch
Federal Communications Commission
20th and M Streets, N. W.
Washington, D. C.

Dear Bob:

The enclosed article is the most precise information we have regarding state radio networks. I do not believe it will meet the needs for programming the computer in the effort to develop the flexible FM frequency table you told me about.

I simply have not had time to develop any information on state networks since I began my duties with NER. None exists in the office.

In view of your indication that there is an immediate need for any material regarding state network planning, I doubt that it would be practical to make a field inquiry. I suspect returns would be slow in coming back and would be too spotty to be of value.

Perhaps it is better to not program for the computer at all in this regard rather than to come up with poor data. Doesn't GIGO apply here?

Sincerely,

Robert A. Mott

RAM:lk1
Enclosure

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

August 26, 1968

Mr. Robert A. Mott
Executive Director
National Educational Radio
1346 Connecticut Avenue, NW
Washington, D. C. 20036



Dear Mr. Mott:

I enjoyed the luncheon and am glad that you
could be there. Best wishes as your new undertaking
unfolds.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nicholas Johnson", written over a circular stamp.

Nicholas Johnson
Commissioner

August 23, 1968

Honorable Nicholas Johnson
Commissioner
Federal Communications Commission
Washington, D. C.

Dear Commissioner Johnson:

National Educational Radio, a division of the National Association of Educational Broadcasters, invites you to address the NER luncheon scheduled for Wednesday, November 20 at the Sheraton Park Hotel during the 44th Annual Convention of the NAEB.

Prior to leaving the office for a vacation, President Harley told me he had extended a verbal invitation to you for this time and date.

As I understand it, at that time you were not sure of your availability.

Since National Educational Radio is hosting the opening day luncheon, we seek comments of interest to educational radio broadcasters. However, the luncheon will be open to all convention registrants and we know that a wide cross section will attend.

Your address to the delegates attending the National Association of Television and Radio Announcers Convention in Miami was provocative and stimulating. We are confident that NAEB Convention delegates will be pleased to hear your views on educational broadcasting.

Sincerely,

Robert A. Mott

RAM:lk1
cc: W. G. Harley



NATIONAL ASSOCIATION OF BROADCASTERS

1812 K STREET, NORTHWEST • WASHINGTON, D. C. 20006 • 223-1400

August 19, 1968

TO: Membership
FROM: Legal Department
SUBJECT: FCC Questionnaire on Political Broadcasting: Worksheets

By now you have received the 1968 questionnaire on political broadcasting from the Federal Communications Commission.

A very careful reading of the Commission's instructions is essential in order to complete the questionnaire properly. In order to ease the burden of keeping records of the information needed to complete the questionnaire, we are supplying you with a worksheet which may be used to keep a daily record of political appearances and editorials. You should reproduce whatever number of worksheets you may require. If the worksheet is kept daily, you will be able to use the information from it to complete Schedules 1, 1A, 2, 4, 6, 7 and 8 as they pertain to non-network programs.

Information about appearances by candidates and their supporters on network programs (Schedules 3 and 5) will be furnished to affiliates by the networks.

The questionnaire requires information on both primary and general elections. The worksheet will be of little assistance with

respect to primaries since most of them have already been held. Licensees will have to rely on their political broadcast records to supply this information. Our prior memorandum of February 6, 1968, concerning the Commission's announcement that a questionnaire would be issued, recommended that additional specified information be retained with the station's political broadcast records. If such information has been retained, you should have little difficulty supplying the requested information as to the primary elections. However, if complete information is not available as to the primaries, the Commission will accept reasonable estimates.

The instructions for use of the worksheet are set forth on its face. If you record your political broadcast information in accordance with those instructions, you should be well prepared to complete the questionnaire following the November elections.


Douglas A. Anello

Attachment: Worksheet

August 12, 1968

Honorable Nicholas Johnson
Commissioner
Federal Communications Commission
Washington, D. C.

Dear Commissioner Johnson:

Thank you for inviting me to the radio programming luncheon August 8 at The Brookings Institution.

As a newcomer to the area it provided me with an opportunity to meet you and others with whom I'll be working.

I found the discussion stimulating and productive. It was my feeling that the conversation was so unstructured that it was impossible to draw any precise conclusions. However, it is my feeling that the programming of educational radio stations is limited by these factors: (1) a lack of creative production and program personnel, (2) insufficient funds to employ such personnel if they were available in quantity, and (3) a vagueness of purpose and indecisiveness regarding programming relating to social issues.

These are generalizations and do not apply to all stations. There are other factors. In the main, these are matters that impact educational radio station programming.

I hope there will be future opportunities to discuss this matter.

Again, I appreciate the opportunity to meet with you.

Sincerely,

Robert A. Mott

RAM:1kl
cc: William G. Harley

August 5, 1968

Honorable Nicholas Johnson
Commissioner
Federal Communications Commission
Washington, D. C.

Dear Commissioner Johnson:

Thank you for your July 1 note regarding my appointment to the post of Executive Director for NER.

I hope in some small way that I can bring about the substantial contribution that you suggest lies within radio's potential.

I look forward to meeting you and working with the Commission to develop radio's strengths.

Sincerely,

Robert A. Mott

RAM:lk1

July 3, 1968

Honorable Nicholas Johnson
Commissioner
Federal Communications Commission
Washington, D. C.

Dear Mr. Johnson:

Thank you for your letter of July 1 addressed
to Mr. Robert Mott.

Mr. Mott is presently en route from Pullman,
Washington to Washington, D. C. He expects to
assume his duties as Executive Director of
National Educational Radio on August 1. I
will bring your letter to his attention at that
time.

Sincerely,

Lucinda K. Landreth
Administrative Assistant

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

July 1, 1968

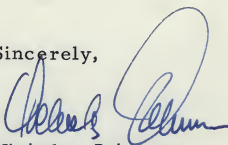
Mr. Robert A. Mott
Executive Director
National Educational Radio
1346 Connecticut Avenue, N. W.
Washington, D. C. 20036

Dear Mr. Mott:

My congratulations on your new assignment as Executive Director of NER. Radio holds great potential for substantial contribution to our national life--and none more than NER.

My best wishes.

Sincerely,



Nicholas Johnson
Commissioner



May 23, 1968

Dr. Robert Hilliard, Chief
Educational Broadcasting Branch
Federal Communications Commission
Washington, D.C. 20554

Dear Bob,

Hallock sent me his copy of your April 19 speech. As he said, "This is a good one."

In it you reference several items I'd like to know more about. On page 19 you mention 8 million dollars for a Children's Television Workshop. Where do we send proposals for radio funds? One thing kids are learning not to do: listen--to get new ideas through their ears. Present use of media is training them to become expert in tuning us out.

Have you ever heard of Harold Innis? Well, he was the intellectual godfather of Marshal McLuhan. In a book called The Bias of Time he warned Canadians about the media users to the South--their dependency on circulation, he said, is destroying the Americans' "ability to think long thoughts." Couple that with the timely line "...and the thoughts of youth are long, long thoughts." Now, link these with your image of the child with the transistor radio against his ear. We need a Radio Workshop for Children. Pacifica has been doing it for years; we'd like to do it better. Tell us where the money is, won't you?

On page 17 you mention Index data. Can you share it with us? Or maybe tell us where to ask?

Allow me a few conceptual comments on your paper. Bob, first your appeal to the young people. You invite them to join the ranks in broadcasting and lift it to new heights. You suggest there is a need for them. Surely there is a need for change in our use of media, but can we hope that they will effect it? How? How can they even find jobs? Even the most competent have great difficulty. And the gap between what is learned in the schools of communication and the real demands of the industry, commercial and educational, is enormous, practically unbridgable. I know, I was a graduate of one of the best and taught there as well. That's where they need help.

Which brings me to your appeal for a Communication University. There was a time, Bob, when I would have thought that to be essential. But several years of studying models and media for learning have raised many new doubts in my mind. Let me share one or two with you.

For some time now I've been quite impressed with the notion that the University as a model for discovery is a modern anachronism. It's obsolete, except perhaps in its research function, and even there the methods in use are crippling. And the libraries as a means for accessing research results? Or a resource in learning? And lectures? Medieval.

The media are giving us the new model as you so well pointed out in the first part of your paper, Bob. And the only one who has attempted to tell us how and why is McLuhan. And his insights have been warped into a fad with his enthusiastic consent--part of involvement, somehow. Couple the media with a computer with massive memory and multiple input-output, control these from the home, and you have a means for individually managed discovery, learning, that is breathtaking. That's the University of the future.

But permit me one more brief comment on the concept of a specialized University, intended to facilitate progress in communication. Here, as in the largely accepted idea of a large production centers financed by even larger resources of funds, is a centralist tendency that can only be restrictive in the long run, the long search.

As you know, Pacifica takes just the other view. We aspire to multiplicity, variety, with great emphasis on the exchange of ideas, close scrutiny of some few models of excellence (which we even duplicate for Board members' private study) to provide means for understanding the next possible improvement (not imitation); this is what we should strive for. We must set up conditions for many solutions and for these to affect each other as they are shaped. Otherwise learning is memory, not discovery.

So, not one University of Communication, Bob, but many facilitation centers to provide direct access to the media by the many who have something to say. Al Partridge, our Berkeley manager, hires content specialists and helps them to learn communication by encouraging them to do it. A center for the study of communication may be useful for scholarship and research, but not for training and certainly not for education, except perhaps in the most fundamental and pragmatic introduction, something to open vistas. The relevant techniques can best be learned in use, they're so simple. That's a lot for me to say, having spent some twelve years looking down the other end of the tube. And I may be wrong. I have lots yet to discover.

For now,

Stuart Cooney
Executive Vice President

SC:h.

cc: Hallock Hoffman
Al Partridge

3:30 Monday, May 26, 1968
Perhaps Tuesday Morning as well/ Ford officials Mr. Sandler

Second DRAFT meh 5/24/68

Statement for FCC Interconnection Meeting

We were greatly encouraged when the Public Broadcasting Act included a provision permitting free or reduced rates for educational broadcasting, and when Mr. Kenneth McKay testified to AT&T's intention to work closely with the FCC to effectuate that policy. We were encouraged when the Congress enacted Section 396(h). And we are encouraged now that you, Mr. Chairman, have convened this group to begin the work toward that end.

1. In discussing our position, we acknowledge the special emphasis on national interconnection given by others here. We support their positions. With the support of the Ford Foundation, National Educational Television has made great strides forward in demonstrating the potential of national network services. We would speak here from the viewpoint of the stations and their own interconnection needs and accomplishments, which are partly distinct local, state and regional needs, but which are also a vital part of the national network services described by the others here.

2. Interconnection is almost always mentioned together with greater programming resources as one of the two great needs of educational broadcasting stations. This is not surprising, because in fact interconnection enables us to use our program resources more widely, and more wisely. (3) Our concern is not with budget-cutting, but with more concentrated application of those limited resources to the end-product of our activities--our program service--rather than to the mechanics of that service.

We are certain that provision of interconnection at free or reduced rates could take us a giant step toward that goal.

(4) Interconnection, of course, can represent a substantially more efficient, more rapid, and less costly means of program distribution enabling the stations and networks to share the best people and ideas that they have to offer. But the advantage over tape duplication is much more than a simple question of degree. Interconnection is indispensable for immediacy in broadcasts on current events--whether it be a critical session of the state legislature, or an analytical report of the weeks developments at the Paris peace talks. And perhaps most important of all, interconnection means interaction. It permits co-production of programs from a number of originating stations. It allows program participants separated by geography to react together to a common event, and to each other's insights. And it permits the viewing audience itself to share a common awareness, involvement, and interaction to a broadcast program. An interconnected program is to a taped program as a telephone conference call is to a business letter.

5. Educational Broadcasting stations today use a variety of interconnection facilities. Most of the stations have used permanent and/or temporary links with program resources at remote locations within their own communities. Many individual stations are linked with stations in other communities on a permanent or occasional basis (KQED in San Francisco, for example, covers events in the state capital by means of permanent interconnection with KVIE in Sacramento.) Operational state-wide broadcast systems (in Georgia,

Alabama, and Nebraska, for example) provide many hours per day of superior programming for schools and homes on a regular basis. Midwest Educational Television permanently interconnects stations in four states. The Eastern Educational Network runs from Washington to Boston, and ties in with state networks in Maine, New Hampshire, Vermont and New York. With the assistance of NET, EEN is providing a full-scale demonstration of what interconnection can mean to educational broadcasting, on a regional level. NET and PBL have provided interconnection nationwide, giving dramatic evidence of how networking can benefit ETV stations, and their audiences, simultaneously. Occasionally, there have been interconnections with program resources outside the United States.

More than half of the operating ETV stations are now interconnected with at least one other station, via intra- and inter-state land-line systems, and several off-air pickups. These linkages only serve local needs, but are the building blocks for state, regional and national networks as well. About half of the interconnected stations are linked by leased lines; and the rest are connected by facilities owned by the ETV licensees.

Despite the progress that has been made, it is abundantly clear that all of the stations want and need greatly expanded interconnection for educational broadcasting. As program staffs and budgets increase, the stations are better able to get out into their communities and regions to tap remote program resources. Individual communities have more and better programming to exchange among themselves. The demand for intra-state networking is accelerating. Several state networks are already in operation. Construction of several more (in Kentucky, Tennessee, and South Dakota, for example) is nearing completion. And still more states

DRAFT

Page 4

(Mississippi, Pennsylvania, Ohio and West Virginia, for example) have prepared specific plans for construction. According to the FCC's latest annual report, plans for 39 state networks are on file. At the regional level, the Western Educational Network, the Rocky Mountain Network, the Central Educational Network, and the Southern Educational Communications Association hope to develop regional interconnections, and Midwest Educational Television plans to expand its present system. The EEN plans to continue and extend its present demonstration system on a permanent basis.

Title I of the Public Broadcasting Act removes the former 15% limitation on amounts available to assist in financing the construction of interconnection facilities. But because of the continuing basic need for new stations, and the delay in the appropriation, the development of additional privately owned systems by this route still seems far away. Moreover, given the common carriers' present tariffs, we can expect that expansion of state and regional systems via leased lines--especially in areas where distances between population centers are great--is probably equally remote.

At the national level, NET at present tariffs is able to interconnect its affiliated stations regularly for only a few hours perweek, for only a portion of the year; and for occasional special programming. Educational television stations should have a national interconnection capability available, for purposes of networking and program distribution. That end can probably be achieved in direct proportion to the extent that interconnection becomes available to ETV at free or reduced rates.

Most of what has been said about television applies as well to radio interconnection, only more so! Because of their even more modest capital and operating funds, the educational radio stations are even less able to afford interconnection. The greatest impediment to the development of state and regional radio networks has been the cost factor. State and regional radio networking is virtually nonexistent, and there has been only one nationally interconnected program in recent years. A little help here could go a very long way; we hope there may be an opportunity for Mr. Sandler Executive Director of National Educational Radio, to speak to this point later.

Responsiveness to diverse community, state, regional and national needs is the hallmark of educational broadcasting. But diversity in isolation is little more than a euphemism for provincialism. In direct proportion to the degree that the cost of interconnection is reduced, we will be able

- (1) to concentrate educational broadcasters' scarce resources upon the production of more and better programs, and
- (2) to make the programming and distributive benefits of interconnection more widely attainable.

We stand ready to help in any way we can in the implementation of this policy.



NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

1346 CONNECTICUT AVENUE • WASHINGTON, D. C. 20036

OFFICE
OF THE PRESIDENT

MEMORANDUM

To: Mr. Sandler

June 25, 1967

Bob Woods and I have reviewed in considerable detail the Fairleigh Dickinson University / New York University applications for FM frequencies. His recommendation is that the Association not file in this matter for the following reasons:

1) Any position we might take on these issues would inevitably place us in support of or in opposition to one or the other of the applicants. This is inconsistent with our carefully followed procedures that have guarded against taking sides in comparative and competitive hearings.

2) We have doubtful standing in the case. Since NAEB is not an applicant we would have to establish standing in the hearing and this might involve our taking sides in the matter.

3) The present hearing is not the best place for us to review the basic issues in the proceeding. To the extent that we wish to address ourselves to this matter it might be appropriate to seek special rule-making dealing with issues in comparative applications for educational stations. This is a substantial step which requires full staff discussion and possibly even Board concurrence. Such a rule-making request would also require an analysis of the positive criteria which the Commission should employ in such contests between educational applicants.

JF

JAF:smg



NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

1346 CONNECTICUT AVENUE • WASHINGTON, D. C. 20036

OFFICE
OF THE PRESIDENT

MEMORANDUM

To: Mr. Sandler

June 29, 1967

As I indicated in an earlier memorandum and conversation, I have reviewed with our attorneys in considerable detail the Fairleigh Dickinson University/New York University applications for FM frequencies. Although they are coincidentally counsel for Fairleigh Dickinson University, their recommendation is that the Association not file on this matter for the following reasons:

1. Any position we might take on the issues would inevitably place us in the position of displeasing one or the other of the applicants. We have carefully tried to avoid this dilemma in the past through a cautious policy of taking sides in comparative and competitive hearings between educational and commercial applicants and the policy is even more applicable to two educational applicants.

2. We have no standing in this case. The matter is between two applications for a single FM frequency in the New York City area, and for us to have any legal standing whatsoever would require our petition to the Hearing Examiner seeking to intervene as a party in this case. This is not especially difficult and there is reason to believe that the Hearing Examiner would approve such a petition. I mention¹ this, however, to point out that there is far more cost and commitment involved in pursuing this legal procedure than there is in the usual procedure which we follow in Rule Making Petitions where we, as would any other interested party, would have a legal right to file comments. We do not have such legal right in the present case unless the Commission gives it to us upon petition. The test of whether our petition would be accepted is whether our intervention could be seen as helping the Commission prepare an adequate record in the case.

3. The present hearing is probably not the best place for us to review the basic issues in the proceeding. To the extent that we wish to address ourselves to this matter, it might be appropriate to seek special Rule-Making dealing with issues in comparative applications for educational stations. This is a substantial step which would require a full staff discussion and possibly even Board concurrence. Such a Rule-Making request would of necessity require an analysis of the positive criteria which the Commission should employ in such contests between educational applicants. At the present time I have no evidence to indicate that we have available, or are likely to be able to develop such positive criteria which would assist the Commission in making decisions, not only between two applicants but between two locations.

At your request I have also reviewed this matter with another attorney where there is no possible consideration of conflict of interest. Krieger and Jorgensen have encouraged this additional solicitation of legal counsel from a disinterested attorney.

The analysis provided by this further consultation is as follows:

1. It is likely that any position which NAEB might take regarding the issues set forth by the Commission in the instant proceeding would place the weight of the NAEB in favor of assigning an FM license either to Teaneck, New Jersey or New York City. (In the event that it is not clear the decision which the Commission will make is based not only on the applications themselves, but on the appropriateness of assigning to one location versus another.)

2. The matter of our standing is clear. We have no automatic legal right to intervene except as we seek it and are granted it by the Hearing Examiner.

3. While it is likely that we would be granted permission to intervene in this proceeding and that such intervention could in theory be helpful to the Hearing Examiner and to the Commission in reaching its decision, this would only be true if

we have a set of issues which, in our opinion, will be substantially improved criteria than the Commission is now employing for reaching decisions on matters affecting comparative hearings for educational applicants. If, in our judgment substantial policy decisions are going to be set forth in this case, and if we believe there will be a large number of subsequent competitive applications where this policy will be applied this would be an additional argument to support intervention.

I believe the nature of this situation does not require any legal action by the NAEB within the comparative hearing and my reasons are summarized as follows:

1. We have no additional criteria which we believe the Commission should employ in contests between educational applicants and between possible location of educational frequencies.

2. The likelihood of a large number of such contests in the future seems very slim. As with this, so in the future, the matter is only likely to come up when a C.P. holder or licensee vacates a channel.

3. Participation in hearings is costly and time consuming.

I would appreciate your views on these comments as soon as possible. The decision must be made by July 13, which is 30 days from the time of the publication of the Commission's Memorandum Opinion and Order in the Federal Register.

JF

JF:smg

cc: Mr. Burke

Remarks by
JERROLD SANDLER
Executive Director
National Educational Radio Division of NAEB
For FCC Interconnection Meeting
May 28, 1968

It is ironic that after half a century educational radio can only boast of one state with an interconnected network capable of serving all its citizens. The state in question is Wisconsin, and their network of 11 stations stands as a model of excellence -- for through this economical, flexible and imaginative medium, the Wisconsin State Radio Network has met many important needs: direct instruction, adult education and enrichment, professional education, and filling the cultural gap for many of its citizens.

Why then, if the experience in Wisconsin has proven so successful, haven't the other states emulated their Great Lakes neighbor? The answer, of course, is primarily a financial one. While it is an accepted fact that radio costs -- of all kinds -- are considerably lower than its younger electronic sibling TV, it is also a fact of the industry that far fewer total dollars are available for radio stations to use. Thus, while interconnection costs for educational radio (when compared with ETV) might not seem terribly high to the casual observer, they are in fact prohibitive for most users, given the present state of the art -- and the economic facts of life.

The situation becomes more acute when it is realized that more than half the states have statewide plans -- or are currently developing them -- for educational radio. But again, until the financial situation proves tenable, they may remain blueprints on the shelf, never to become a reality. This finding was part of the recent comprehensive status report of educational radio in the United States which NER published with the help of a Ford Foundation grant.

But nothing could be more dramatic than the simple -- if stultifying -- fact that it would cost considerably more to interconnect approximately one third of the existing educational radio licensees -- roughly 120 out of more than 365 -- throughout the country on a regular daily basis than the total of a major grant just announced last month by the Ford Foundation. Stated in hard dollar terms, if Ford's committed \$500,000 -- the largest single grant to be available for educational radio programming -- were to be utilized for live interconnection, there would be little or no money available for programming and production. I am currently undertaking a feasibility study for the Ford Foundation on this very challenge: Can we design a public radio network project within the \$500,000 limitation that will really do a first rate job that will reach millions? Is such a plan really feasible? While the study is not yet completed, one thing is clear: We can forget about interconnecting the entire country given these facts. It may be possible

page two
FCC Interconnection Meeting

May 28, 1968

to tie the East Coast and parts of the Midwest -- part of the time.

In short, the best we can hope for right now is a "halfway" network for the lucky few, while the rest of the country still must wait for some new solution to the interconnection gap.

CARL E. SMITH CONSULTING RADIO ENGINEERS

8200 SNOWVILLE ROAD

CLEVELAND, OHIO 44141

CARL E. SMITH
W. G. HUTTON
CECIL S. BIDLACK
FREDRIC D. BOLOTIN
ROBERT A. MOSTROM
LOREN F. BRIDGES

AREA CODE 216
526-4386

May 23, 1968



Mr. Jerrold Sandler,
Executive Director NER
National Association of Educational Broadcasters
1346 Connecticut Avenue, N. W.
Washington, D. C. 20036

Dear Mr. Sandler:

I am enclosing a copy of the letter I wrote to Bill Harley on April 22 regarding the situation in Miami, Florida as regards educational FM channel use where Channel 6 TV stations are on the air.

My telephone conversation with you today answered my letter to Bill namely that someone has to build a fire under the FCC to get them to move.

Our client plans to submit an application to the FCC for a 100 kw ERP FM station in Miami. I understand there are other educational FM applications reposing at the FCC with no action being taken until the educational FM allocations table is set up. This may never happen but perhaps adding another application may help break the jam.

Sincerely,

Cecil S. Bidlack
Cecil S. Bidlack

CSB:ljjs

encl: 4-22-68 letter

cc: Dr. Poland

April 22, 1968

Mr. William G. Harley, President
National Association of Educational Broadcasters
1346 Connecticut Avenue N.W.
Washington, D. C. 20036

Dear Bill:

I am writing to see whether NAEB can be of help in a problem which affects all applicants for educational FM stations. The problem is the reluctance of the FCC to accept applications for educational FM stations where there is a channel 6 TV assignment or station.

To be specific, we have a client, Miami Bible College, Miami, Florida, interested in establishing a high power FM station in Miami. I have completed a frequency search of the educational FM channels and find that it is possible to assign three additional educational FM stations there on channels 201, 205 and 209. I would like to apply for 100 kw ERF on channel 209 but I have been discouraged in two telephone conversations with Ed Hackman of the FCC.

In the first of these conversations on March 27, I was informed that it was useless to submit an application for channel 209 in Miami, on the college campus, since it would cause interference to the Channel 6 TV station located some 25 miles Southwest of Miami. He did say that they might consider a 10 watt application.

I discussed this problem with Harold Kassens of the FCC at the NAB in Chicago. He suggested locating the proposed FM transmitter on the channel 6 TV tower. Our client contacted the TV station and found that he could locate his antenna on the tower at a rental of \$1000 to \$3000 per month.

There is a 643 foot radio tower available between 7 and 8 miles Northwest of the channel 6 antenna. The rental on this tower would be \$250.00 per month.

Today, I again checked with Hackman to see how much power they would authorize at this location. I was told to hold up the FM application until the new educational FM rules were finalized. He also indicated that these new educational FM rules would probably close the educational FM band where there is a channel 6 TV allocation. If this is the action the FCC proposes why have an educational FM reservation since it means nothing?

Mr. William G. Harley, President
page 2

April 22, 1968

I have also discussed this problem by telephone on April 5 with Dr. Robert T. Hilliard of the FCC's Educational Broadcasting Branch. About all I got from him was sympathy.

What can be done to combat this attitude on the part of the FCC and to free these educational FM reservations for new stations? I would personally be willing to help you in any way possible.

Sincerely,

Cecil S. Bidlack

CSD:ljs

cc: Dr. L. W. Poland

CKL - ^{as was} w/ Hobbs,
Bob Woods
a JAF

NATIONAL
ASSOCIATION OF
EDUCATIONAL
BROADCASTERS

To: Cindy Sandbreth

INTER-OFFICE MEMORANDUM

TO: Jerry Sandler

FROM: Mike Hobbs *meh*

DATE: May 21, 1968

RE: FCC Notice of Inquiry: Use of Automatic and Self Monitored
FM Broadcast Receivers.

This seems to me to be something that NAEB ought
actively pursue. Any steps taken to make the operation
of educational radio stations more economical would be
a step forward.

MEH/mah

Mike,
TS never did get a chance to see you on
this. Do you think it's too late to file comments?
-- Apparently the deadline date for filing is June
27. Quite frankly, I don't know enough about
this to react too intelligently to it. Any sug-
gestions?

Cindy

Cindy -
afraid I can't be much help for the moment -
not that I know much about this area anyway. I would
suggest you call Bob Woods at Krueger & Jorgensen,
ask him whether the June 27 filing deadline

still applies (sometimes the deadlines
get extended at the request of one or
more interested parties.) If the
deadline has not been extended, I
doubt there's time for K&J to prepare
comments. But that's no great loss unless
the stations have been flooding you with
comments & suggestions — apparently it's not
a matter of great interest or concern to
most of them. At any rate, if the
Commission proceeds ~~to~~ beyond the
"Notice of Inquiry" stage to the "Notice of
Proposed Rulemaking" stage, you have
another chance to file comments then.

Mike

FEDERAL COMMUNICATIONS COMMISSION



14893

PUBLIC NOTICE - B

WASHINGTON, D. C. 20554

March 28, 1968

Report No. 7156

BROADCAST ACTION

AUTOMATIC FM BROADCAST TRANSMITTERS TO BE STUDIED BY FCC

A Notice of Inquiry into the use of automatic and self-monitored FM broadcast receivers has been adopted by the Federal Communications Commission. It was issued in response to a petition by Collins Radio Company, Dallas, Texas, asking for amendment of Part 73 of the Rules to permit use of such equipment.

Collins stated that "the time has arrived to incorporate applicable electronic techniques into broadcast systems" and suggested that with rules covering type acceptance, installation and utilization of automatic FM transmitters, the Commission would be assured of equipment that would operate in compliance with the rules or shutdown automatically otherwise. This, in turn, would eliminate the need for keeping repetitive logs for verification of operations and would also do away with the need for monitoring of transmitting equipment by licensed operators.

Noting the benefits of the automatic transmitters, the Commission pointed out that the Communications Act requires transmitters to be attended by licensed operators. "Because of the significant implications of any departure from this concept," the Commission said it was asking for comments on an amendment to eliminate the licensed operator requirement or to allow for use of minimum grade operators to perform limited functions.

The Commission also asked for comments in the following areas:

The relationship of technical automation to program automation, feasibility of modifying existing FM transmitters to automatic operation, type acceptance requirements, control of frequency and power, automatic shutdown requirements, modulation and distortion control, automatic logging, compliance with Emergency Broadcast. System procedures, effect on FM stations involved in stereophonic broadcasting.

(over)

The Commission stated that it was not, at this time, proposing specific rule amendments because of the questions raised and the numerous rule changes which may be required. Comments in the Inquiry may be filed on or before June 27, 1968 with reply comments due on or before July 26, 1968.

Action by the Commission March 27, 1968 by Notice of Inquiry. Commissioners Hyde (Chairman), Lee, Cox, Loevinger, Wadsworth and Johnson.

Sandler

LAW OFFICES
KRIEGER & JORGENSEN

SEYMOUR KRIEGER 1913-1960
NORMAN E. JORGENSEN
LOUIS SCHWARTZ
ROBERT A. WOODS

1926 EYE STREET, N. W.
WASHINGTON, D. C. 20006

AREA CODE 202
TELEPHONE
337-6313

April 12, 1968

Mr. James Fellows
The National Association of
Educational Broadcasters
1346 Connecticut Avenue, N.W.
Washington, D. C. 20036

Dear Jim:

The Commission's staff in the Rules and Standards Division has clarified the Commission's "one-station, one-market" rule making proposal. That proposal is not intended to affect the standing exemption of educational broadcasters from the multiple ownership rules.

However, the draftmanship of the proposed rules has created confusion. For instance, Section 73.636 now provides in sub-paragraph (a) that licenses will not be granted (1) if there is a prohibited overlap with a commonly-controlled station, or (2) if there is undue concentration of control. Sub-paragraph (b) provides that sub-paragraph (a) "is not applicable to non-commercial educational stations". The Commission intended to add a sub-paragraph (3) to (a) above, but instead proposed a new sub-paragraph (c). As such, it is possible to read the Commission's proposal as including educational stations, since sub-paragraph (b), the exemption provision, refers only to sub-paragraph (a).

Accordingly, NABE should file a brief clarifying statement on June 26, 1968, when comments are now due, confirming that the new policies are not applicable to educational stations. Moreover, since only the FM and TV rules now contain an explicit exemption clause, it would be wise to request the Commission also to clarify that the exemption policy also applies to the AM rules. We will include such a request in the comments we file.

Sincerely yours,

BAW
Robert A. Woods



November 30, 1967

Dr. Robert Hilliard
Chief of Educational Broadcasting Branch
Federal Communications Commission
Washington, D.C.

Dear Dr. Hilliard:

I am writing you at the suggestion of Jerrold Sandler of N.E.A., relating to the plans being made by Massachusetts State College at Lowell to attempt to start a non-commercial, educational FM radio station with a Class A license.

The firm of Jansky & Bailey has conducted a frequency search for us and they find only one educational channel available for the Lowell area. The channel - 213 - could be rendered unusable if there is any significant increase in the facilities of stations with neighboring channels. Because of this William Weakley of Jansky & Bailey, and Mr. Sandler have both recommended that we act promptly to apply for a construction permit. We are presently preparing the program, technical, financial, and legal aspects of the application.

The major problem is that the studios would be housed in a new building which won't be open until September of 1969. Money for equipment, maintenance, etc., must come from the equipment fund for this building. So, if we were to act promptly in applying for Channel 213, it is conceivable that we would be awarded a construction permit before we are prepared to undertake that construction; therefore, we might violate the regulation that the station must go on the air within six or eight months after the license is granted. I would like to know your reaction to this and whether or not it is allowable to submit the application when it is prepared (February or March of 1968).

Enclosed are two items - one is a brief statement of our intentions, as released to the student newspaper, the other, a proposed program schedule which is, by no means, representative of our final plans, but serves to give a general idea of our intentions.

I would appreciate receiving your reply as soon as possible so we can proceed with our plans.

Thank you for your assistance.

Very truly yours,

Paul Gay
Asst. Prof. of Music

October 11, 1967

Mr. F.G. Kilpatrick
Director of Radio Services
Station WSUO
Wisconsin State University
Oshkosh, Wisconsin
54901

Dear Mr. Kilpatrick:

Thank you for your letter of October 4 requesting information on FCC broadcast regulations.

Since these questions deal specifically with engineering regulations, I would suggest that you contact Dr. Robert Hilliard, Chief, Educational Broadcasting Branch, FCC, Washington, D.C. He should be able to provide you with the correct logging and record procedures or forward your letter to someone else who can.

I'm sorry we could not be more helpful. Thank you for your interest.

Sincerely,

Lucinda K. Landreth
Administrative Assistant

*Cindy*

October 4, 1967

National Educational Radio
119 Gregory Hall
Urbana, Illinois 61801



Gentlemen:

I am the faculty adviser for Radio Station WRST-FM, a 10 watt educational station. After reading the rules and regulations plus other volunteered information, I am still in a quandry as to how much of a technical (operations) log is needed for a station of this type. What meter readings are necessary to record? How often?

Your help in this matter would be appreciated.

Sincerely yours,

A handwritten signature in blue ink that reads "F. G. Kilpatrick".

F. G. Kilpatrick

Director of Radio Services

FGK/pt

RECEIVED
NAEB - URBANA

OCT 6 1967
AM PM
7 8 9 10 11 12 1 2 3 4 5 6

Scanned from the National Association of Educational Broadcasters Records
at the Wisconsin Historical Society as part of
"Unlocking the Airwaves: Revitalizing an Early Public and Educational Radio Collection."



A collaboration among the Maryland Institute for Technology in the Humanities,
University of Wisconsin-Madison Department of Communication Arts,
and Wisconsin Historical Society.

Supported by a Humanities Collections and Reference Resources grant from
the National Endowment for the Humanities



Any views, findings, conclusions, or recommendations expressed in this publication/collection do not necessarily reflect those of the
National Endowment for the Humanities.